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**LAW COMMISSION
OF INDIA**

सत्यमेव जयते

**FIFTH REPORT
(British Statutes Applicable to India)**

GOVERNMENT OF INDIA ● MINISTRY OF LAW

CHAIRMAN
LAW COMMISSION

SHRI ASHOK KUMAR SEN,
Minister of Law,
New Delhi.

NEW DELHI,
May 11, 1957.

My dear Minister,

I have great pleasure in forwarding herewith the fifth Report of the Law Commission on the British Statutes applicable to India.

2. At the fifth meeting of the Statute Revision Section held on the 11th March, 1956, the Commission decided to take up for consideration the question of the British Statutes applicable to India and entrusted the task to a Committee consisting of Shri P. Satyanarayana Rao, Shri V. K. T. Chari and Shri G. N. Joshi.

3. The subject was discussed at meetings of the Statute Revision Section held on the 9th June, 22nd July, 22nd September and 21st October, 1956. A report having been prepared, it was circulated to all the Members of the Commission and their views invited thereon. These views and the draft Report were considered at two meetings of the Statute Revision Section held on the 17th November and 29th December, 1956. Important suggestions made by Members at these meetings were accepted and it was left to the Chairman to finally settle the Report in the light of the discussion.

4. Dr. N. C. Sen Gupta has signed the Report subject to a separate note, a copy of which has been annexed to the Report.

5. The Commission wishes to acknowledge the services rendered by its Joint Secretary, Shri D. Basu, in connection with the preparation of the Report.

Yours sincerely,
M. C. SETALVAD.

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REPORT ON THE BRITISH STATUTES APPLICABLE TO INDIA

Introductory. 1. An important question for the consideration of the Commission arises in reference to the large number of British statutes which are in terms applicable to India or which may be assumed to so apply. Should not India having regard to her new and independent status as a Republic enact her own laws on the subject-matter of these statutes where it is necessary to do so and take legislative action making it clear that these statutes are no longer applicable to India?

History of introduction of British statutes. 2. It is necessary to state briefly the history of the introduction of British statutes in India. From the earliest period of the British administration in India, a differentiation in matters of jurisdiction and legislation was made between the three Presidency towns and the rest of India, owing to historical reasons. The East India Company, a company of private merchants, who had come to trade in India under a Royal Charter in the seventeenth century, in course of time acquired territories and established settlements in India. The Company's Settlements which were principally located in Bengal, Madras and Bombay, came to be known as 'Presidencies' because they were under the administration of a President or Governor. According to the principles of English Constitutional law, a British subject cannot acquire foreign territory in his own right. Any territory acquired by him by settlement or conquest becomes a dominion of the Crown and, broadly speaking, the legislative authority of Parliament extends *ipso facto* to such acquired territory. The Crown, therefore, early assumed the right to control the administration of the East India Company's possessions.

Presidency Towns. 3. By a Charter of 1726 (13 Geo. I), the Crown constituted municipalities in the three Presidency towns at Calcutta, Bombay and Madras and also set up a Mayor's Court and other courts in each of these towns. The Charter assumed that the common law of England and the statute law in force in England at the time of the Charter was applicable in these Presidency towns, so far as the local conditions would permit. In this manner the British statutes passed prior to 1726 came to be applied to the Presidency towns, except such as the Courts held to be inapplicable having regard to local circumstances.¹ In view of the constitutional principle that the paramount authority of the British Parliament extends to all colonies, statutes passed subsequent to 1726 which either expressly or by necessary implication extended to the colonies were deemed also to have been extended to India. As India was not, strictly, a colony, and had its own laws, in interpreting this necessary implication, the Courts took cognizance

1. Cf. *Freeman v. Fairlie*, (1828) 1 M.I.A. 305.

of local circumstances. Thus, the English Wills Act (7 Will. IV & 1 Vic. c.26) was held inapplicable to India². In some cases³ a controversy arose whether British statutes applied only to European British subjects or to all the residents of the Presidency towns. The more widely accepted view appears to have been that they applied to all persons residing in these areas⁴, subject to the exception, subsequently introduced, relating to succession and contract, by the East India Company Act, 1881 (21 Geo. III, c.70).

4. The East India Company had no proprietary interest and had no jurisdiction over the administration of the rest of the territory of British India, until the grant of the *diwani* to the Company in 1765 by the then Moghul Emperor. By this grant, the Company was vested with the fiscal administration of the country and it was soon assumed that the *diwani* included the power of administration of civil justice. Courts were, accordingly, established in these areas but these courts (outside the Presidency towns) derived their authority not from the English Crown but from the Moghul Government in whose name the Company was managing the *diwani*. As a result of this, it was decided by the East India Company authorities not to disturb the personal laws of the Hindus and Mohammedans in matters such as marriage, succession and religion. In the matters other than those governed by their personal law, the Hindus and Mohammedans like the rest of the population were subject to the general law; which included those British statutes⁵ which extended to India expressly or by necessary intendment and which were not inapplicable in the local circumstances⁶. The situation in this respect was not changed after the assumption of sovereignty by the Crown from the East India Company in 1858.

5. But the position as regards the applicability of the British statutes other than those which were expressly extended to India was not clear. Having regard to the peculiar status of India in the British Empire, and to the fact that India had its own laws with respect to many matters dealt with by the British statutes, the question was never definitely determined. There were, however, some judicial decisions,—laying down that certain British statutes were to be deemed to have been extended to India by necessary implication, but the nature and extent of their applicability always remained vague and undefined.

6. While repealing the Government of India Act, 1919, the Government of India Act, 1935 made an express provision (section 292), continuing the existing law which

Areas outside the Presidency towns.

Position prior to the Government of India Act, 1935.

Government of India Act, 1935.

2. *Foy*, In the goods of, (1839) 2 Curt. 328.

3. *Vide* Preface to the First Edition of the *Older Statutes relating to India*.

4. *Cf.* In the matter of *Ameer Khan*, 6 B.L.R. 392.

5. *Cf.* *Ilbert*, Government of India, p. 361; *Keir's*, Constitutional Law, 1939 Ed., p. 589.

6. *Ramcoomar v. Chander Canto*, (1876) 2 A.C. 186; *Ilbert*, Government of India, pp.

included the British statutes expressly extended to India as well as those which were deemed to have been extended by necessary implication to India.

Indian Independence Act, 1947.

7. Under the Indian Independence Act, 1947 (10 & 11 Geo. VI, c.30) India became a Dominion with sovereign legislative power to affect or repeal all the existing laws including the Government of India Act, 1935 and the British statutes which were thought to have been extended to India. The altered position was given effect to in section 6 of the Indian Independence Act.

Section 6 of the Independence Act provides:

“(1) * * * * *

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any Act, and the powers of the Legislature of each Dominion include the power to repeal or to amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) * * * * *

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by law of the Legislature of that Dominion”.

These two provisions conferred on the Legislature of the newly created Dominion of India supreme legislative power. It was provided that no British statute passed on or after the 15th of August, 1947 was to extend to India, of its own force. The Dominion Legislature of India was also empowered to repeal or amend the Acts of the British Parliament in their application to India.

Article 372 of the Constitution.

8. Article 372(1) of the Constitution provides:

“Notwithstanding the repeal by this Constitution of the enactments referred to in article 395 but subject to the other provisions of this Constitution, all the law in force in the territory of India immediately before the commencement of this Constitution shall continue in force therein until altered or repealed or amended by a competent legislature or other competent authority”.

It follows that the "law in force" in article 372(1) of the Constitution includes British statutes passed prior to the 15th August 1947. The Dominion Legislature of India does not appear to have extended any British statute to India between the 15th August 1947 and 26th January 1950⁷.

9. It will be noticed that Article 372(1) provides for the continuance of the existing law only until it is "altered, repealed or amended by a competent Legislature". It is hardly necessary to point out that the Legislatures of the sovereign Republic of India under the Constitution possess plenary powers to amend or repeal British statutes relating to the subjects assigned to them by the Legislative Lists, and are not subject to any of the limitations to which the Legislatures were subject under the Government of India Acts⁸. In fact, as has been pointed out, this legislative autonomy has been enjoyed by the Indian Legislatures since the date of commencement of the Indian Independence Act, 1947. But notwithstanding this plenary power, the Indian Legislature has not so far substantially used it to replace the British statutes by enacting laws of its own.

Competence of the Legislature under the Constitution.

10. By clause (2) of Article 372 power was given to the President to make such adaptations and modifications as might be deemed necessary "for the purpose of bringing the provisions of any law in force..... into accord with the provisions of this Constitution". But though adaptations and modifications were made by the President's Orders in the case of existing Indian Acts, the British statutes were not touched. As a result, the British statutes which were expressly applicable to India because India was a 'British Possession' are still supposed to be applicable to India without any change in the text. Anomalies are, therefore, bound to arise as would appear from the case of the *State of Madras v. Menon*⁹. Observations made by the Supreme Court in this case¹⁰ emphasise the urgent need for an examination of the British statutes in force in India with a view to their repeal or amendment. It is necessary to adapt them to the change in the constitutional status of India or replace them entirely by Indian legislation. Further, when the historical reasons which differentiated the Presidency towns from the rest of India have long disappeared and we have a mass of Indian enactments applying to the whole of the territory of India, it is highly inappropriate that this difference should still be maintained by the continued application of some archaic British statutes to the Presidency towns.

The power to adapt or modify, not used.

7. Appendices I & II of this Report, therefore, do not include any statute passed by the British Parliament after the 15th August, 1947.

8. *Vide* ss. 65 & 84 of the Government of India Act, 1919 ; s. 108(1) of the Government of India Act, 1935.

9. (1955) 1 S.C.R. 280.

10. These observations have been reproduced in Appendix II at p. 50 *post*.

Indian laws
necessary.

11. While India still remains a Member of the Commonwealth of Nations, the only trace of the old ties is the fact that the Crown is regarded by India as the *symbolic* Head of the Commonwealth. There is no longer any legal tie between the United Kingdom and India. It is, therefore, in the fitness of things, that the entire legal Code of India should be purely Indian and if the subject-matter of any British statute be found to be still necessary for our purposes, that statute should be replaced by a corresponding Indian law, incorporating the necessary provisions of the British statute. While India was a British Dependency, she was governed, like the colonies, by Acts of the Imperial Parliament in matters relating to external affairs and extra-territorial jurisdiction, such as extradition, merchant shipping, piracy and offences on the high seas, admiralty jurisdiction, and the like. It is but proper that after having attained a fully sovereign status, India should have laws of her own relating to these subjects.

Analysis of
the statutes
in force.

12. As has been already stated, it is not an easy task to find out which of the British statutes extended to India at the commencement of the Constitution and this constitutes an additional ground why the British statutes should be replaced by our own laws, if we require legislation relating to the subjects governed by the British statutes. As has been pointed out by Whitley Stokes in the Preface to the first edition of "Collection of Statutes relating to India"¹¹, various controversies have been raised from time to time as to whether any particular statute was applicable only to Europeans or also to Indians or whether it was altogether inapplicable to India owing to different local conditions. In order to make a collection serviceable for ordinary purposes of the administration, the Publication just mentioned included in it "all such Statutes as are of possible application to any part of India", after excluding those which had already been declared to be inapplicable, by judicial decisions. For our present purpose, we may assume that this Government Publication contains an exhaustive list of British statutes of possible application to India, at the commencement of the Constitution. A list of the contents of this Publication has been given in Appendix I of this report (arranged according to chronological as well as alphabetical order) and, then, in Appendix II, each of these statutes has been analysed and commented upon in brief, in order to see whether it has become altogether obsolete and inapplicable to India at the present day, or whether the subject-matter dealt with by it is still of importance to India and, hence, legislation in India is necessary in order to replace the British statute.

Conclusions
and
Proposals.

13. As a result of our analysis of the statutes in Appendix II, we have arrived at the following conclusions:

- II. A Government of India Publication, the latest edition of which, published in 1935-40, contains statutes passed up to 1938, in four volumes. For statutes from 1939 to 1947 we had to refer to an unbound collection maintained, on similar lines, by the Ministry of Law.

I. The large majority of these statutes should be repealed. These fall under two broad categories—

- (a) Statutes which are obviously obsolete because the historical reasons which necessitated their enactment no longer exist. Instances of this category are the statutes relating to the East India Company, the British Crown, the Judicial Committee of the Privy Council, the British Army & Navy, and the like. These can be repealed without in any manner adversely affecting the interests of India.
- (b) Statutes which confer certain privileges on Indian citizens and India as an erstwhile Dependency of the United Kingdom—but do not impose any obligations. In this connection, it may be pointed out that the British Parliament enacted a statute—the India (Consequential Provisions) Act, 1949 (12, 13 & 14 Geo. VI, c. 92),—immediately after India decided to become a Republic. This statute does not extend to India, in view of the provisions of the Indian Independence Act, 1947. The result is that while the India (Consequential Provisions) Act, 1949, is not applicable to India and is not enforceable in any Indian Court, it is binding on British Courts and in the Courts of territories where this statute applies. The relevant provision of this statute (sec. 1) is as follows—

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- “1. (1) On and after the date of India's becoming a Republic, all existing law, that is to say, all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that date or has been passed or made before that date and comes into force thereafter, shall, *until provision to the contrary is made by the authority having power to alter that law* and subject to the provisions of sub-section (3) of this section, have the same operation in relation to India, and to persons and things in any way belonging to or connected with India, as it would have had if India had not become a Republic.
- (2) This Act extends to law of, or of any part of the United Kingdom, a colony, a protectorate or a United Kingdom trust territory, and also, but so far only as concerns law which cannot be amended by a law of the legislature thereof, to law of Southern Rhodesia or of any part thereof.”

The substance of the above provision is that notwithstanding the change in the status of India from a Dependency or Dominion to a Republic, all previous British statutes which applied to India (as a Dependency or as a Dominion) are to continue to be applicable in a British Court as if India had not become a Republic. In these circumstances, if a British statute simply extends certain privileges to India or to Indian citizens we would not be affected even if such a statute is removed from the statute-book of India, for, notwithstanding such repeal, the British statute would be recognised and enforced as good law in a British Court. In short, India and Indian citizens would still be entitled to take advantage of the English statute in proceedings before a British Court. Such an instance took place recently. The High Court of England, in 1952, held that the English Fugitive Offenders Act, 1881, which applied to Her Majesty's Dominions was still applicable to India and that India was entitled to take advantage of that statute before an English Court to secure the custody of a criminal who had fled to England, notwithstanding the fact that India was no longer a Dominion¹². This very English statute (i.e., the Fugitive Offenders Act) has subsequently been held to be inapplicable to India by the Supreme Court in *Menon's Case*¹³. The result of these two decisions seems to be that even though an English statute is not now enforceable in an Indian Court, there is nothing to prevent India or Indian citizens from taking advantage of it in a British Court.

The question for consideration is whether the position is likely to be altered if the Parliament of India hereafter enacted that all British statutes, including those which confer privileges on India or her citizens in the United Kingdom, shall cease to be in force in India. It may be argued that the words "until provision to the contrary is made by the authority having power to alter that law" in section 1(1) of the India (Consequential Provisions) Act, 1949, include the Indian Parliament, inasmuch as by an earlier statute (i.e., the Indian Independence Act, 1947), the British Parliament had conferred on the Legislature of India the power to alter British statutes in so far as they were part of the law of India. Having regard to this possible argument, it would be desirable to make a specific provision in the repealing enactment, which we recommend, saving the operation of these statutes in so far as they confer privileges on India or her citizens.

II. In regard to the remaining statutes, legislation with respect to their subject-matter will be necessary. These statutes fall under two categories—

- (a) Those relating to subjects like piracy or prize money, with respect to which there is no Indian enactment at all at present, but legislation is, nevertheless, necessary.

12. *Re. Government of India & Mubarak Ali*, (1952) 1 All. E.R. 1060.

13. (1955) 1 S.C.R. 280.

- (b) Those relating to subjects like merchant shipping, extradition or admiralty jurisdiction, with respect to which we have some Indian enactment but the Indian enactment does not cover the whole field. The subjects with respect to which legislation by our Parliament appears to be *prima facie* necessary in order to replace the British statutes are given in Appendix III.

The list in Appendix III has been made as wide as possible so that the Administrative Ministries concerned may choose from the list such subjects as in their opinion require to be dealt with by legislation having regard to their present requirements.

14. It may be pointed out that we have not in this Report indicated the nature, form or contents of the legislation that may be required on the subjects mentioned in the list. Further, the question whether the treaties, agreements or conventions pertaining to any of the subjects mentioned in the list in Appendix III are still binding on India, has not been investigated by us. These questions will have to be determined when the proposals for legislation are taken up, at the instance of the Administrative Ministries.

15. After the necessary legislation has been enacted, a short Act will have to be made providing that the statutes passed by the British Parliament which were in force in India at the commencement of the Constitution shall cease to be in force in India, after a specified date. As suggested earlier, a saving clause will have to be included in that Act providing that nothing therein contained shall affect any right or privilege to which India or her citizens are entitled under a British statute, in the territories to which the India (Consequential Provisions) Act, 1949, applies.

M. C. SETALVAD,

(Chairman)

M. C. CHAGLA,
K. N. WANCHOO,
P. SATYANARAYANA RAO,
N. C. SEN GUPTA, *
V. K. T. CHARI,
D. NARASA RAJU,
G. S. PATHAK,
S. M. SIKRI,
G. N. JOSHI,
N. A. PALKHIVALA

(Members).

K. SRINIVASAN,
DURGA DAS BASU,

Joint Secretaries.

New Delhi,
The 11th May, 1957.

*Dr. Sen Gupta has signed the Report, subject to the Note appended at the end.

APPENDIX I

BRITISH STATUTES APPLICABLE OR OF POSSIBLE APPLICATION TO INDIA

TABLE A.—Chronologically arranged.

<i>Year</i>	<i>Short Title or Subject</i>
1297	Magna Carta.
1331	Unlawful Attachment.
1354	Non-Condemnation without due process.
1540	Degrees of Consanguinity Act, 1540.
1551	The Sale of Offices Act, 1551.
1677	The Statute of Frauds.
1679	The Habeas Corpus Act, 1679.
1688	Coronation Oath Act, 1688.
1698	Crime in Plantations Act, 1698.
1701	The Act of Settlement.
1702	Demise of the Crown Act, 1702.
1707	Demise of the Crown Act, 1707.
1780	The East India Company Act, 1780.
1781	The House of Commons Disqualification Act, 1781.
1797	The East India Co. Act, 1797.
1802	The Criminal Jurisdiction Act, 1802.
1809	The Sale of Offices Act, 1809.
1811	The East India Company Bonds Act, 1811.
1812	The Prisoners of War (Escape) Act, 1812.
1819	The Ordination for Colonies Act, 1819.
1820	The Divorce Bills Evidence Act, 1820.
1823	The Lascars Act, 1823.
1824	The Slave Trade Act, 1824.
1828	The Criminal Law (India) Act, 1828.
1830	The Illusory Appointments Act, 1830.
1830	The Debts Recovery Act, 1830.
1830	The Infants' Property Act, 1830.
1830	The Colonial Offices Act, 1830.
1831	The Evidence on Commission Act, 1831.
1832	The Army Prize Money Act, 1832.
1833	The Government of India Act, 1833.
1833	The Judicial Committee Act, 1833.
1834	The Superannuation Act, 1834.

<i>Year</i>	<i>Short Title or Subject</i>
1840	The Debtors (Ireland) Act, 1840.
1843	The (Colonies) Evidence Act, 1843.
1843	The Judicial Committee Act, 1843.
1843	The Slave Trade Act, 1843.
1844	The Judicial Committee Act, 1844.
1847	The Naval Deserters Act, 1847.
1849	The Portuguese Deserters Act, 1849.
1849	The Admiralty Offences (Colonial) Act, 1849.
1850	The Piracy Act, 1850.
1851	The Lunatics Removal (India) Act, 1851.
1851	The Court of Chancery Act, 1851.
1852	The Colonial Bishops Act, 1852.
1853	The Coinage (Colonial Offences) Act, 1853.
1853	The Colonial Bishops Act, 1853.
1853	The Customs Consolidation Act, 1853.
1854	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854.
1856	The Foreign Tribunals Evidence Act, 1856.
1858	The Government of India Act, 1858.
1859	The East India Loan Act, 1859.
1859	The Evidence by Commission Act, 1859.
1859	The East India Loan (No. 2) Act, 1859.
1859	The Royal Naval Reserve (Volunteer) Act, 1859.
1859	The British Law Ascertainment Act, 1859.
1860	The Indian Securities Act, 1860.
1860	The Admiralty Jurisdiction (India) Act, 1860.
1860	The Superannuation Act, 1860.
1860	The East India Loan Act, 1860.
1860	The East India Stock Act, 1860.
1860	The Admiralty Offences (Colonial) Act, 1860.
1861	The Bank of England Act, 1861.
1861	The Foreign Law Ascertainment Act, 1861.
1861	The East India Loan Act, 1861.
1861	The Malicious Damages Act, 1861.
1861	The Wills Act, 1861.
1861	The Domicile Act, 1861.
1862	The Indian Stock Transfer Act, 1862.
1862	The Habeas Corpus Act, 1862.
1862	The Fine Arts Copyright Act, 1862.
1863	The India Stock Certificate Act, 1863.

<i>Year</i>	<i>Short Title or Subject</i>
<hr/>	
1863	The Colonial Letters Patent Act, 1863.
1864	The Naval Prize Act, 1864.
1864	India Office Site Act, 1864.
1865	The India Office Site and Approaches Act, 1865.
1866	The India Military Funds Act, 1866.
1866	The Indian Prize Money Act, 1866.
1866	The Naval Discipline Act, 1866.
1866	The Straits Settlements Act, 1866.
1868	The Indian Railway Companies Act, 1868.
1868	The Documentary Evidence Act, 1868.
1868	The Indian Prize Money Act, 1868.
1869	The East India Irrigation and Canal Act, 1869.
1869	The East India Loan Act, 1869.
1870	The Coinage Act, 1870.
1870	The Extradition Act, 1870.
1870	The Foreign Enlistment Act, 1870.
1871	The India Stock Dividends Act, 1871.
1872	The Naturalization Act, 1872.
1873	The East India Stock Dividend Redemption Act, 1873.
1873	The East India Loan Act, 1873.
1873	The Indian Railway Companies Act, 1873.
1873	The Slave Trade (East African Courts) Act, 1873.
1873	The Extradition Act, 1873.
1873	The Slave Trade Act, 1873.
1874	The East India Annuity Funds Act, 1874.
1874	The East India Loan Act, 1874.
1874	The Courts (Colonial) Jurisdiction Act, 1874.
1874	The Colonial Clergy Act, 1874.
1876	The Royal Titles Act, 1876.
1876	The Statute Law Revision (Substituted Enactments) Act, 1876.
1876	The Customs Consolidation Act, 1876.
1876	The Slave Trade Act, 1876.
1877	The East India Loan Act, 1877.
1878	The Dentists Act, 1878.
1878	The Elders' Widows' Fund (India) Act, 1878.
1878	The Territorial Waters Jurisdiction Act, 1878.
1879	The Registration of Births, Deaths and Marriages (Army) Act, 1879.
1879	The Slave Trade (East African Courts) Act, 1879.

<i>Year</i>	<i>Short Title or Subject</i>
1879	The Indian Guaranteed Railways Act, 1879.
1879	The East Indian Railway (Redemption of Annuities) Act, 1879.
1879	The East India Loan Act, 1879.
1880	The East India Loan (East Indian Railway Debentures) Act, 1880.
1880	The India Stock (Powers of Attorney) Act, 1880.
1881	The Judicial Committee Act, 1881.
1881	The India Office (Sale of Superfluous Land) Act, 1881.
1881	The East Indian Railway (Redemption of Annuities) Act, 1881.
1881	The Army Act, 1881.
1881	The Fugitive Offenders Act, 1881.
1882	The Documentary Evidence Act, 1882.
1882	The Bombay Civil Fund Act, 1882.
1882	The Reserve Forces Act, 1882.
1884	The Colonial Prisoners Removal Act, 1884.
1884	The Naval Discipline Act, 1884.
1884	The Criminal Lunatics Act, 1884.
1884	The Indian Marine Service Act, 1884.
1885	The East India Unclaimed Stock Act, 1885.
1885	The East India Loan Act, 1885.
1885	The Submarine Telegraph Act, 1885.
1885	The Indian Army Pension Deficiency Act, 1885.
1885	The Evidence by Commission Act, 1885.
1886	The Medical Act, 1886.
1887	The Conversion of India Stock Act, 1887.
1887	The British Settlements Act, 1887.
1887	The Superannuation Act, 1887.
1887	The Appellate Jurisdiction Act, 1887.
1888	The Oudh and Rohilkund Railway Purchase Act, 1888.
1889	The Commissioners for Oaths Act, 1889.
1889	The Interpretation Act, 1889.
1890	The South Indian Railway Purchase Act, 1890.
1890	The Commissioners for Oaths Amendment Act, 1890.
1890	The Colonial Courts of Admiralty Act, 1890.
1890	The Foreign Jurisdiction Act, 1890.
1891	The Mail Ships Act, 1891.
1891	The Commissioners for Oaths Act, 1891.
1891	The Coinage Act, 1891.
1892	The Colonial Probates Act, 1892.
1892	The Foreign Marriage Act, 1892.

<i>Year</i>	<i>Short Title or Subject</i>
1892	The Superannuation Act, 1892.
1893	The Regimental Debts Act, 1893.
1893	The Trustee Act, 1893.
1893	The Madras and Bombay Armies Act, 1893.
1893	The East India Loan Act, 1893.
1894	The Trustee Act, 1893, Amendment Act, 1894.
1894	The Indian Railways Act, 1894.
1894	The Finance Act, 1894.
1894	The Prize Courts Act, 1894.
1894	The Uniforms Act, 1894.
1894	The Merchant Shipping Act, 1894.
1895	The Documentary Evidence Act, 1895.
1895	The Extradition Act, 1895.
1895	The Judicial Committee Amendment Act, 1895.
1896	The Short Titles Act, 1896.
1896	The Finance Act, 1896.
1896	The Royal Naval Reserve (Volunteer) Act, 1896.
1897	The Regular and Elders' Widows' Funds Act, 1897.
1897	The Merchant Shipping Act, 1897.
1898	The Reserve Forces and Militia Act, 1898.
1898	The East India Loan Act, 1898.
1898	The Merchant Shipping (Liability of Shipowners) Act, 1898.
1898	The Statute Law Revision Act, 1898.
1898	The Merchant Shipping (Mercantile Marine Fund) Act, 1898.
1899	The Army (Annual) Act, 1899.
1899	The Reserve Forces Act, 1899.
1900	The Colonial Solicitors Act, 1900.
1900	The Merchant Shipping (Liability of Shipowners and others) Act, 1900.
1900	The Reserve Forces Act, 1900.
1900	The Colonial Stock Act, 1900.
1901	Army (Annual) Act, 1901.
1901	The Demise of the Crown Act, 1901.
1901	The Royal Titles Act, 1901.
1901	The East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901.
1902	The Royal Naval Reserve Act, 1902.
1902	The Mail Ships Act, 1902.

<i>Year</i>	<i>Short Title or Subject</i>
1905	The Shipowners' Negligence (Remedies) Act, 1905.
1905	The Medical Act (1886) Amendment Act, 1905.
1905	The Trade Marks Act, 1905.
1905	The East India Loans (Railways) Act, 1905.
1906	The Seamen's and Soldiers' False Characters Act, 1906.
1906	The Reserve Forces Act, 1906.
1906	The Extradition Act, 1906.
1906	The Marriage with Foreigners Act, 1906.
1906	The Merchant Shipping Act, 1906.
1907	The Territorial and Reserve Forces Act, 1907.
1907	The Evidence (Colonial Statutes) Act, 1907.
1907	The Commissioners for Oaths (Prize Proceedings) Act, 1907.
1907	The Deceased Wife's Sister's Marriage Act, 1907.
1907	The Merchant Shipping Act, 1907.
1908	The Post Office Act, 1908.
1908	The Statute Law Revision Act, 1908.
1908	The Appellate Jurisdiction Act, 1908.
1908	The East India Loans Act, 1908.
1909	The Army (Annual) Act, 1909.
1909	The Naval Establishments in British Possessions Act, 1909.
1909	The Naval Discipline Act, 1909.
1910	The East India Loans (Railways and Irrigation) Act, 1910.
1910	The Army (Annual) Act, 1910.
1910	The Accession Declaration Act, 1910.
1910	The Registration of Births, Deaths and Marriages (Scotland) Amendment Act, 1910.
1911	The Army (Annual) Act, 1911.
1911	The Merchant Shipping (Seamen's Allotment) Act, 1911.
1911	The Parliament Act, 1911.
1911	The Geneva Convention Act, 1911.
1911	The Official Secrets Act, 1911.
1911	The Merchant Shipping Act, 1911.
1911	The Copyright Act, 1911.
1911	The Maritime Conventions Act, 1911.
1912	The Army (Annual) Act, 1912.
1912	The Marriages in Japan (Validity) Act, 1912.
1913	The Army (Annual) Act, 1913.
1913	The Post Office Act, 1913.

<i>Year</i>	<i>Short Title or Subject</i>
1912	The Foreign Jurisdiction Act, 1913.
1913	The Appellate Jurisdiction Act, 1913.
1914	The Aliens Restriction Act, 1914.
1914	The Prize Courts (Procedure) Act, 1914.
1914	The Trade Marks Act, 1914.
1914	The British Nationality and Status of Aliens Act, 1914.
1914	The Army (Supply of Food, Forage and Stores) Act, 1914.
1914	The Merchant Shipping (Certificates) Act, 1914.
1914	The Superannuation Act, 1914.
1914	The Navy (Pledging of Certificates) Act, 1914.
1915	Army (Amendment) Act, 1915.
1915	The Naval Discipline Act, 1915.
1915	The Copyright (British Museum) Act, 1915.
1915	The Fugitive Offenders (Protected States) Act, 1915.
1915	The Marriage of British Subjects (Facilities) Act, 1915.
1915	The Prize Courts Act, 1915.
1915	The Army (Amendment) No. 2 Act, 1915.
1915	The Government of India Act, 1915.
1915	The Naval Discipline (No. 2) Act, 1915.
1915	The Judicial Committee Act, 1915.
1916	The Naval Prize (Procedure) Act, 1916.
1916	The Imperial Institute (Management) Act, 1916.
1916	The Marriage of British Subjects (Facilities) Amendment Act, 1916.
1916	The Government of India (Amendment) Act, 1916.
1916	The Merchant Shipping (Salvage) Act, 1916.
1917	The Naval Discipline Act, 1917.
1917	The Air Force (Constitution) Act, 1917.
1918	The Army (Annual) Act, 1918.
1918	The British Nationality and Status of Aliens Act, 1918.
1918	The Termination of the Present War (Definition) Act, 1918.
1919	The Army (Annual) Act, 1919.
1919	The Treaty of Peace Act, 1919.
1919	The Merchant Shipping (Wireless Telegraphy) Act, 1919.
1919	The British Mercantile Marine Uniform Act, 1919.
1919	The Trade Marks Act, 1919.
1919	The Aliens Restriction (Amendment) Act, 1919.
1919	The Government of India Act, 1919.

<i>Year</i>	<i>Short Title or Subject</i>
1920	The Treaties of Peace (Austria and Bulgaria) Act, 1920.
1920	The Army and Air Force (Annual) Act, 1920.
1920	The Overseas Trade (Credits and Insurance) Act, 1920.
1920	The Maintenance Orders (Facilities for Enforcement) Act, 1920.
1920	The Indemnity Act, 1920.
1921	The Army and Air Force (Annual) Act, 1921.
1921	The Treaty of Peace (Hungary) Act, 1921.
1921	The Importation of Plumage (Prohibition) Act, 1921.
1921	The Indian Divorces (Validity) Act, 1921.
1921	The Deceased Brother's Widow's Marriage Act, 1921.
1921	The Overseas Trade (Credits and Insurance) Amendment Act, 1921.
1921	The Merchant Shipping Act, 1921.
1921	The Territorial Army and Militia Act, 1921.
1921	The Trade Facilities Act, 1921.
1922	The Army and Air Force (Annual) Act, 1922.
1922	E. I. Loans (Railway and Irrigation) Act, 1922.
1922	The Empire Settlement Act, 1922.
1922	The Indian High Courts Act, 1922.
1922	The Naval Discipline Act, 1922.
1922	The British Nationality and Status of Aliens Act, 1922.
1922	The Trade Facilities and Loans Guarantee Act, 1922.
1923	Army and Air Force (Annual) Act, 1923.
1923	The Fees (Increase) Act, 1923.
1923	The Matrimonial Causes Act, 1923.
1923	The E. I. Loans Act, 1923.
1923	The Merchant Shipping Acts (Amendment) Act, 1923.
1924	The Army and Air Force (Annual) Act, 1924.
1924	The Treaty of Peace (Turkey) Act, 1924.
1924	The Trade Facilities Act, 1924.
1924	The Auxiliary Air Force and Air Force Reserve Act, 1924.
1924	The Carriage of Goods by Sea Act, 1924.
1924	The Government of India (Leave of Absence) Act, 1924.
1924	The Expiring Laws Continuance Act, 1924.
1925	The Trade Facilities Act, 1925.
1925	Army and Air Force (Annual) Act, 1925.

<i>Year</i>	<i>Short Title or Subject</i>
1925	The Merchant Shipping (Equivalent Provisions) Act, 1925.
1925	The Expiring Laws Act, 1925.
1925	The Government of India (Civil Services) Act, 1925.
1925	The Workmen's Compensation Act, 1925.
1926	The Trade Facilities Act, 1926.
1926	The Imperial War Graves Endowment Fund Act, 1926.
1926	The Secretaries of State Act, 1926.
1926	The Chartered Associations (Protection of Names and Uniforms) Act, 1926.
1926	The Indian and Colonial Divorce Jurisdiction Act, 1926.
1927	The Royal and Parliamentary Titles Act, 1927.
1927	The Workmen's Compensation (Transfer of Funds) Act, 1927.
1927	The Royal Naval Reserve Act, 1927.
1927	The Cinematograph Films Act, 1927.
1927	The Indian Church Act, 1927.
1927	The Colonial Probates (Protected States and Mandated Territories) Act, 1927.
1929	The Appellate Jurisdiction Act, 1929.
1929	The Companies Act, 1929.
1930	The Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.
1931	The Workmen's Compensation Act, 1931.
1932	The Merchant Shipping (Safety and Load Line Conventions) Act, 1932.
1932	The Extradition Act, 1932.
1932	The Ottawa Agreements Act, 1932.
1934	The Air Force Reserve (Pilots and Observers) Act, 1934.
1935	The Superannuation Act, 1935.
1935	The Finance Act, 1935.
1935	The Government of India (Reprinting) Act, 1935.
1935	The Government of India Act, 1935.
1935	The Government of Burma Act, 1935.
1936	The Merchant Shipping (Carriage of Munitions to Spain) Act, 1936.
1936	His Majesty's Declaration of Abdication Act, 1936.
1937	The India and Burma (Existing Laws) Act, 1937.
1937	The East India Loans Act, 1937.
1937	The Geneva Convention Act, 1937.

<i>Year</i>	<i>Short Title or Subject</i>
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1937	The Regency Act, 1937.
1937	The Reserve Forces Act, 1937.
1937	The Empire Settlement Act, 1937.
1937	The Merchant Shipping (Spanish Frontiers Observation) Act, 1937.
1937	The Merchant Shipping Act, 1937.
1937	The Merchant Shipping (Superannuation Contribution) Act, 1937.
1938	The Cinematograph Films Act, 1938.
1938	The Trade Marks Act, 1938.
1939	The Army and Air Force (Annual) Act, 1939.
1939	The Prevention of Fraud (Investment) Act, 1939.
1939	The Reserve and Auxiliary Forces Act, 1939.
1939	The Marriage (Scotland) Act, 1939.
1939	The Finance Act, 1939.
1939	The Emergency Powers (Defence) Act, 1939.
1939	The Prize Act, 1939.
1939	The Government of India Act (Amendment) Act, 1939.
1939	The Armed Forces (Conditions of Service) Act, 1939.
1939	The Ships and Aircraft (Transfer Restriction) Act, 1939.
1939	The Trading with the Enemy Act, 1939.
1939	The Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939.
1939	The Expiring Laws Continuance Act, 1939.
1940	The India and Burma (Miscellaneous Amendments) Act, 1940.
1940	The Army and Air Force (Annual) Act, 1940.
1940	The Emergency Powers (Defence) Act, 1940.
1940	The Treachery Act, 1940.
1940	The Evidence and Powers of Attorney Act, 1940.
1940	The India and Burma (Emergency Provisions) Act, 1940.
1940	The Indian and Colonial Divorce Jurisdiction Act, 1940.
1940	The Merchant Shipping (Salvage) Act, 1940.
1940	The Emergency Powers (Defence) (No. 2) Act, 1940.
1940	The Workmen's Compensation (Supplementary Allowances) Act, 1940.
1940	The Prolongation of Parliament Act, 1940.
1940	The Expiring Laws Continuance Act, 1940.
1940	The Naval and Marine Forces (Temporary Release from Service) Act, 1940.

<i>Year</i>	<i>Short Title or Subject</i>
1941	The Army and Air Force (Annual) Act, 1941.
1941	The Naval Discipline (Amendment) Act, 1941.
1941	The India and Burma (Postponement of Elections) Act, 1941.
1941	The Prolongation of Parliament Act, 1941.
1941	The Expiring Laws Continuance Act, 1941.
1942	The Indian (Federal Court Judges) Act, 1942.
1942	The Army and Air Force (Annual) Act, 1942.
1942	The Royal Naval Volunteer Reserve Act, 1942.
1942	The United States of America (Visiting Forces) Act, 1942.
1942	The India and Burma (Temporary and Miscellaneous Provisions) Act, 1942.
1942	The Prolongation of Parliament Act, 1942.
1943	The Workmen's Compensation Act, 1943.
1943	The British Nationality and Status of Aliens Act, 1943.
1943	The Army and Air Force (Annual) Act, 1943.
1943	The Evidence and Powers of Attorney Act, 1943.
1943	The Finance Act, 1943.
1943	The Foreign Service Act, 1943.
1943	The Regency Act, 1943.
1943	The Prolongation of Parliament Act, 1943.
1943	The Workmen's Compensation (Temporary Increases) Act, 1943.
1943	The Expiring Laws Continuance Act, 1943.
1944	The Prize Salvage Act, 1944.
1944	The Naval Forces (Extension of Service) Act, 1944.
1944	The India (Attachment of States) Act, 1944.
1944	The Army and Air Force (Annual) Act, 1944.
1944	The Finance Act, 1944.
1944	The India (Miscellaneous Provisions) Act, 1944.
1944	The Matrimonial Causes (War Marriages) Act, 1944.
1944	The Prolongation of Parliament Act, 1944.
1944	The Expiring Laws Continuance Act, 1944.
1945	The India (Estate Duty) Act, 1945.
	The Air Force (Annual) Act, 1945.

1946	The India (Proclamations of Emergency) Act, 1946.
1946	The Straits Settlements (Repeal) Act, 1946.
1946	The India (Central Government and Legislature) Act, 1946
1946	The Patents and Designs Act, 1946.
1946	The United Nations Act, 1946.
1946	The Army and Air Force (Annual) Act, 1946.
1946	The Superannuation Act, 1946.
1946	The National Insurance (Industrial Injuries) Act, 1946.
1946	The Expiring Laws Continuance Act, 1946.
1947	The Foreign Marriage Act, 1947.
1947	The Indian Independence Act, 1947.



TABLE B.—*Alphabetically arranged.*

A

Accession Declaration Act, 1910.
Act of Settlement, 1701.
Admiralty Jurisdiction (India) Act, 1860.
Admiralty Offences (Colonial) Act, 1849.
Admiralty Offences (Colonial) Act, 1860.
Air Force (Constitution) Act, 1917.
Air Force Reserve (Pilots and Observers) Act, 1934.
Aliens Restriction Act, 1914.
Aliens Restriction (Amendment) Act, 1919.
Appellate Jurisdiction Act, 1887.
Appellate Jurisdiction Act, 1908.
Appellate Jurisdiction Act, 1913.
Appellate Jurisdiction Act, 1929.
Armed Force (Conditions of Service) Act, 1939.
Army Act, 1881.
Army (Amendment) Act, 1915.
Army (Amendment) No. 2 Act, 1915.
Army (Annual) Act, 1899.
Army (Annual) Act, 1901.
Army (Annual) Act, 1909.
Army (Annual) Act, 1910.
Army (Annual) Act, 1911.
Army (Annual) Act, 1912.
Army (Annual) Act, 1913.
Army (Annual) Act, 1918.
Army (Annual) Act, 1919.
Army and Air Force (Annual) Act, 1920.
Army and Air Force (Annual) Act, 1921.
Army and Air Force (Annual) Act, 1922.
Army and Air Force (Annual) Act, 1923.
Army and Air Force (Annual) Act, 1924.
Army and Air Force (Annual) Act, 1925.
Army and Air Force (Annual) Act, 1939.

Army and Air Force (Annual) Act, 1940.
 Army and Air Force (Annual) Act, 1941.
 Army and Air Force (Annual) Act, 1942.
 Army and Air Force (Annual) Act, 1943.
 Army and Air Force (Annual) Act, 1944.
 Army and Air Force (Annual) Act, 1945.
 Army and Air Force (Annual) Act, 1946.
 Army Prize Money Act, 1832.
 Army (Supply of Food, Forage and Stores) Act, 1914.
 Auxiliary Air Force and Air Force Reserve Act, 1924.

B

Bank of England Act, 1861.
 Bombay Civil Fund Act, 1882.
 Bretton Woods Agreements Act, 1945.
 British Law Ascertainment Act, 1859.
 British Mercantile Marine Uniform Act, 1919.
 British Nationality and Status of Aliens Act, 1914.
 British Nationality and Status of Aliens Act, 1918.
 British Nationality and Status of Aliens Act, 1922.
 British Nationality and Status of Aliens Act, 1943.
 British Settlements Act, 1887.

C

Carriage of Goods by Sea Act, 1924.
 Chartered Associations (Protection of Names and Uniforms) Act, 1926.
 Cinematograph Films Act, 1927.
 Cinematograph Films Act, 1938.
 Coinage Act, 1870.
 Coinage Act, 1891.
 Coinage (Colonial Offences) Act, 1853.
 Colonial Bishops Act, 1852.
 Colonial Bishops Act, 1853.
 Colonial Clergy Act, 1874.
 Colonial Courts of Admiralty Act, 1890.
 Colonial Letters Patent Act, 1863.
 Colonial Offices Act, 1830.
 Colonial Prisoners Removal Act, 1884.
 Colonial Probates Act, 1892.

Colonial Probates (Protected States and Mandated Territories) Act, 1927.
 Colonial Solicitors Act, 1900.
 Colonial Stock Act, 1900.
 (Colonies) Evidence Act, 1843.
 Commissioners for Oaths Act, 1889.
 Commissioners for Oaths Amendment Act, 1890.
 Commissioners for Oaths Act, 1891.
 Commissioners for Oaths (Prize Proceeding) Act, 1907.
 Companies Act, 1929.
 Conversion of India Stock Act, 1887.
 Copyright Act, 1911.
 Copyright (British Museum) Act, 1915.
 Coronation Oath Act, 1688.
 Court of Chancery Act, 1851.
 Courts (Colonial) Jurisdiction Act, 1874.
 Crime in Plantations Act, 1698.
 Criminal Jurisdiction Act, 1802.
 Criminal Law (India) Act, 1828.
 Criminal Lunatics Act, 1884.
 Customs Consolidation Act, 1853.
 Customs Consolidation Act, 1876.

D

Debtors (Ireland) Act, 1840.
 Debts Recovery Act, 1830.
 Deceased Brother's Widow's Marriage Act, 1921.
 Deceased Wife's Sister's Marriage Act, 1907.
 Degrees of Consanguinity Act, 1540.
 Demise of the Crown Act, 1702.
 Demise of the Crown Act, 1707.
 Demise of the Crown Act, 1901.
 Dentists Act, 1878.
 Divorce Bills Evidence Act, 1820.
 Documentary Evidence Act, 1868.
 Documentary Evidence Act, 1882.
 Documentary Evidence Act, 1895.
 Domicile Act, 1861.

E

East India Co. Act, 1797.
 East India Annuity Funds Act, 1874.
 East India Company Act, 1780.

East India Company Bonds Act, 1811.
 East India Irrigation and Canal Act, 1869.
 East India Loan Act, 1859.
 East India Loan (No. 2) Act, 1859.
 East India Loan Act, 1860.
 East India Loan Act, 1861.
 East India Loan Act, 1869.
 East India Loan Act, 1873.
 East India Loan Act, 1874.
 East India Loan Act, 1877.
 East India Loan Act, 1879.
 East India Loan Act, 1885.
 East India Loan Act, 1893.
 East India Loan Act, 1898.
 East India Loans Act, 1908.
 East India Loans Act, 1923.
 East India Loans Act, 1937.
 East India Loan (East Indian Railway Debentures) Act, 1880.
 East India Loan (Great Indian Peninsula Railway Debentures) Act, 1901.
 East India Loans (Railways) Act, 1905.
 East India Loans (Railways and Irrigation) Act, 1910.
 East India Loans (Railways and Irrigation) Act, 1922.
 East India Stock Act, 1860.
 East India Stock Dividend Redemption Act, 1873.
 East India Unclaimed Stock Act, 1885.
 East Indian Railway (Redemption of Annuities) Act, 1879.
 East Indian Railway (Redemption of Annuities) Act, 1881.
 Elders' Widows Fund (India) Act, 1878.
 Emergency Powers (Defence) Act, 1939.
 Emergency Powers (Defence) Act, 1940.
 Emergency Powers (Defence) (No. 2) Act, 1940.
 Empire Settlement Act, 1922.
 Empire Settlement Act, 1937.
 Evidence (Colonial Statutes) Act, 1907.
 Evidence on Commission Act, 1831.
 Evidence by Commission Act, 1859.
 Evidence by Commission Act, 1885.
 Evidence and Powers of Attorney Act, 1940.
 Evidence and Powers of Attorney Act, 1943.
 Expiring Laws (Continuance) Act, 1924.
 Expiring Laws (Continuance) Act, 1925.
 Expiring Laws (Continuance) Act, 1939.

Expiring Laws Continuance Act, 1940.
 Expiring Laws Continuance Act, 1941.
 Expiring Laws Continuance Act, 1943.
 Expiring Laws Continuance Act, 1944.
 Expiring Laws Continuance Act, 1946.
 Extradition Act, 1870.
 Extradition Act, 1873.
 Extradition Act, 1895.
 Extradition Act, 1906.
 Extradition Act, 1932.

F

Fees (Increase) Act, 1923.
 Finance Act, 1894.
 Finance Act, 1896.
 Finance Act, 1935.
 Finance Act, 1939.
 Finance Act, 1943.
 Finance Act, 1944.
 Fine Arts Copyright Act, 1862.
 Foreign Enlistment Act, 1870.
 Foreign Jurisdiction Act, 1890.
 Foreign Jurisdiction Act, 1913.
 Foreign Law Ascertainment Act, 1861.
 Foreign Marriage Act, 1892.
 Foreign Marriage Act, 1947.
 Foreign Service Act, 1943.
 Foreign Tribunals Evidence Act, 1856.
 Fugitive Offenders Act, 1881.
 Fugitive Offenders (Protected States) Act, 1915.

G

Geneva Convention Act, 1911.
 Geneva Convention Act, 1937.
 Government of Burma Act, 1935.
 Government of India Act, 1833.
 Government of India Act, 1858.
 Government of India Act, 1915.
 Government of India Act, 1919.
 Government of India Act, 1935.
 Government of India (Amendment) Act, 1916.
 Government of India Act (Amendment) Act, 1939.

Government of India (Civil Services) Act, 1925.
 Government of India (Leave of Absence) Act, 1924.
 Government of India (Reprinting) Act, 1935.

H

Habeas Corpus Act, 1679.
 Habeas Corpus Act, 1862.
 His Majesty's Declaration of Abdication Act, 1936.
 House of Commons Disqualification Act, 1781.

I

Illusory Appointments Act, 1830.
 Imperial Institute (Management) Act, 1916.
 Imperial War Graves Endowment Fund Act, 1926.
 Importation of Plumage (Prohibition) Act, 1921.
 Indemnity Act, 1920.
 India (Attachment of States) Act, 1944.
 India and Burma (Emergency Provisions) Act, 1940.
 India and Burma (Existing Laws) Act, 1937.
 India and Burma (Miscellaneous Amendments) Act, 1940.
 India and Burma (Postponement of Elections) Act, 1941.
 India and Burma (Temporary and Miscellaneous Provisions) Act, 1942.
 India (Central Government and Legislature) Act, 1946.
 India (Estate Duty) Act, 1945.
 India Military Funds Act, 1866.
 India (Miscellaneous Provisions) Act, 1944.
 India (Proclamations of Emergency) Act, 1946.
 Indian and Colonial Divorce Jurisdiction Act, 1926.
 Indian Army Pension Deficiency Act, 1885.
 Indian Church Act, 1927.
 Indian and Colonial Divorce Jurisdiction Act, 1940.
 Indian Divorce Act, 1945.
 Indian Divorces (Validity) Act, 1921.
 India (Federal Court Judges) Act, 1942.
 Indian Franchise Act, 1945.
 Indian Guaranteed Railways Act, 1879.
 Indian High Courts Act, 1922.
 Indian Independence Act, 1947.
 Indian Marine Service Act, 1834.
 Indian Prize Money Act, 1866.
 Indian Prize Money Act, 1868.

Indian Railways Act, 1894.
 Indian Railway Companies Act, 1868.
 Indian Railway Companies Act, 1873.
 Indian Securities Act, 1860.
 Indian Stock Transfer Act, 1862.
 India Office (Sale of Superfluous Land) Act, 1881.
 India Office Site Act, 1864.
 India Office Site and Approaches Act, 1865.
 India Stock Certificate Act, 1863.
 India Stock Dividends Act, 1871.
 India Stock (Powers of Attorney) Act, 1880.
 Infants' Property Act, 1830.
 Interpretation Act, 1889.

J

Judicial Committee Act, 1833.
 Judicial Committee Act, 1843.
 Judicial Committee Act, 1844.
 Judicial Committee Act, 1881.
 Judicial Committee Amendment Act, 1895.
 Judicial Committee Act, 1915.

L

Lascars Act, 1823.
 Lunatics Removal (India) Act, 1851.

M

Madras and Bombay Armies Act, 1893.
 Magna Carta, 1297.
 Mail Ships Act, 1891.
 Mail Ships Act, 1902.
 Maintenance Orders (Facilities for Enforcement) Act, 1920.
 Malicious Damages Act, 1861.
 Maritime Conventions Act, 1911.
 Marriage of British Subjects (Facilities) Act, 1915.
 Marriage of British Subjects (Facilities) Amendment Act, 1916.
 Marriage with Foreigners Act, 1906.
 Marriages in Japan (Validity) Act, 1912.
 Marriage (Scotland) Act, 1939.
 Matrimonial Causes Act, 1923.

Matrimonial Causes (War Marriages) Act, 1944.
 Medical Act, 1886.
 Medical Act (1886) Amendment Act, 1905.
 Merchant Shipping Act, 1894.
 Merchant Shipping Act, 1897.
 Merchant Shipping Act, 1906.
 Merchant Shipping Act, 1907.
 Merchant Shipping Act, 1911.
 Merchant Shipping Act, 1921.
 Merchant Shipping Act, 1937.
 Merchant Shipping Acts (Amendment) Act, 1923.
 Merchant Shipping (Carriage of Munitions to Spain) Act, 1936.
 Merchant Shipping (Seamen's Allotment) Act, 1911.
 Merchant Shipping (Certificates) Act, 1914.
 Merchant Shipping (Equivalent provisions) Act, 1925.
 Merchant Shipping (Liability of Shipowners) Act, 1898.
 Merchant Shipping (Liability of Shipowners and Others) Act, 1900.
 Merchant Shipping (Mercantile Marine Fund) Act, 1898.
 Merchant Shipping (Safety and Load Line Conventions) Act, 1932.
 Merchant Shipping (Salvage) Act, 1916.
 Merchant Shipping (Salvage) Act, 1940.
 Merchant Shipping (Spanish Frontiers Observation) Act, 1937.
 Merchant Shipping (Superannuation Contribution) Act, 1937.
 Merchant Shipping (Wireless Telegraphy) Act, 1919.

N

National Insurance (Industrial Injuries) Act, 1946.
 Naturalization Act, 1872.
 Naval Deserters' Act, 1847.
 Naval Discipline Act, 1866.
 Naval Discipline Act, 1884.
 Naval Discipline Act, 1909.
 Naval Discipline Act, 1915.
 Naval Discipline (No. 2) Act, 1915.
 Naval Discipline Act, 1917.
 Naval Discipline Act, 1922.
 Naval Discipline (Amendment) Act, 1941.
 Naval Establishments in British Possessions Act, 1909.
 Naval Forces (Extension of Service) Act, 1944.
 Naval and Marine Forces (Temporary Release from Service) Act, 1940.

Naval Prize Act, 1864.
 Naval Prize (Procedure) Act, 1916.
 Navy (Pledging of Certificates etc.) Act, 1914.
 Non-condemnation without due process, 1354.

O

Official Secrets Act, 1911.
 Ordination for Colonies Act, 1819.
 Ottawa Agreements Act, 1932.
 Oudh and Rohilkund Railway Purchase Act, 1888.
 Overseas Trade (Credits and Insurance) Act, 1920.
 Overseas Trade (Credits and Insurance) Act, 1921.

P

Parliament Act, 1911.
 Patents and Designs Act, 1946.
 Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939.
 Piracy Act, 1850.
 Portuguese Deserters Act, 1849.
 Post Office Act, 1908.
 Post Office Act, 1913.
 Prevention of Fraud (Investment) Act, 1939.
 Prisoners of War (Escape) Act, 1812.
 Prize Act, 1939.
 Prize Courts Act, 1894.
 Prize Courts Act, 1915.
 Prize Courts (Procedure) Act, 1914.
 Prize Salvage Act, 1944.
 Prolongation of Parliament Act, 1940.
 Prolongation of Parliament Act, 1941.
 Prolongation of Parliament Act, 1942.
 Prolongation of Parliament Act, 1943.
 Prolongation of Parliament Act, 1944.

R

Regency Act, 1937.
 Regency Act, 1943.
 Regimental Debts Act, 1893.

Registration of Births, Deaths and Marriages (Scotland) Act, 1854.

Registration of Births, Deaths and Marriages (Army) Act, 1879.

Registration of Births, Deaths and Marriages (Scotland) Amendment Act, 1910.

Regular and Elders' Widows Funds, 1897.

Reserve and Auxiliary Forces Act, 1939.

Reserve Forces Act, 1882.

Reserve Forces Act, 1899.

Reserve Forces Act, 1900.

Reserve Forces Act, 1906.

Reserve Forces Act, 1937.

Reserve Forces and Militia Act, 1898.

Royal Naval Reserve Act, 1902.

Royal Naval Reserve Act, 1927.

Royal Naval Reserve (Volunteer) Act, 1859.

Royal Naval Reserve (Volunteer) Act, 1896.

Royal Naval (Volunteer) Reserve Act, 1942.

Royal and Parliamentary Titles Act, 1927.

Royal Titles Act, 1876.

Royal Titles Act, 1901.

S

Sale of Offices Act, 1551.

Sale of Offices Act, 1809.

Seamen's and Soldiers' False Characters Act, 1906.

Secretaries of State Act, 1926.

Ships and Aircraft (Transfer Restriction) Act, 1939.

Shipowners' Negligence (Remedies) Act, 1905.

Short Titles Act, 1896.

Slave Trade Act, 1824.

Slave Trade Act, 1843.

Slave Trade Act, 1873.

Slave Trade Act, 1876.

Slave Trade (East African Courts) Act, 1873.

Slave Trade (East African Courts) Act, 1879.

South Indian Railway Purchase Act, 1890.

Statute of Frauds, 1677.

Statute Law Revision Act, 1898.

Statute Law Revision Act, 1908.

Statute Law Revision (Substituted Enactments) Act, 1876.

Straits Settlements Act, 1866.

Straits Settlements (Repeal) Act, 1946.
 Submarine Telegraph Act, 1885.
 Superannuation Act, 1834.
 Superannuation Act, 1860.
 Superannuation Act, 1887.
 Superannuation Act, 1892.
 Superannuation Act, 1914.
 Superannuation Act, 1935.
 Superannuation Act, 1946.

T

Termination of the Present War (Definition) Act, 1918.
 Territorial Army and Militia Act, 1921.
 Territorial and Reserve Forces Act, 1907.
 Territorial Water Jurisdiction Act, 1878.
 Trade Facilities Act, 1921.
 Trade Facilities Act, 1924.
 Trade Facilities Act, 1925.
 Trade Facilities Act, 1926.
 Trade Facilities and Loans Guarantee Act, 1922.
 Trade Marks Act, 1905.
 Trade Marks Act, 1914.
 Trade Marks Act, 1919.
 Trade Marks Act, 1938.
 Trading with the Enemy Act, 1939.
 Treachery Act, 1940.
 Treaty of Peace Act, 1919.
 Treaties of Peace (Austria and Bulgaria) Act, 1920.
 Treaty of Peace (Hungary) Act, 1921.
 Treaty of Peace (Turkey) Act, 1924.
 Trustee Act, 1893, Amendment Act, 1894.
 Trustee Act, 1893.

U

Uniform Act, 1894.
 United Nations Act, 1946.
 United States of America (Visiting Forces) Act, 1942.
 Unlawful Attachment, 1331.

Wills Act, 1861.

Workmen's Compensation Act, 1925.

Workmen's Compensation Act, 1931.

Workmen's Compensation Act, 1943.

Workmen's Compensation (Pneumoconiosis) Act, 1945.

Workmen's Compensation (Silicosis and Asbestosis) Act, 1930.

Workmen's Compensation (Supplementary Allowances) Act, 1940

Workmen's Compensation (Temporary Increases) Act, 1943.

Workmen's Compensation (Transfer of Funds) Act, 1927.



APPENDIX II

ANALYSIS OF BRITISH STATUTES APPLICABLE OR OF POSSIBLE APPLICATION TO INDIA (CHRONOLOGICALLY ARRANGED).

(1) 1215/1297 *Magna Carta* (25 *Edw. c. 1*, 29).

Little argument is necessary to show that this Charter has become useless and unnecessary for us after we have adopted a written constitution containing a guarantee of individual rights specified therein. In *Gopalan's case*,¹ our Supreme Court has laid down that the safeguard against arbitrary deprivation of life or personal liberty, now, rests entirely on the provision in Art. 21 of our Constitution.

(2) 1331 *Unlawful Attachment* (5 *Edw. 3, c. 9*).

This statute lays down that the person or property of any person shall not be attached against the *Magna Carta* or the law of the land.

So far as the person is concerned, the constitutional guarantee in Art. 21 of our Constitution is clear. For property, we have a similar provision in Art. 31(1) of the Constitution, but it is debatable whether 'attachment' is 'deprivation' within the meaning of Art. 31 (1). But even if it be held that it is not, the inference should be that the makers of our Constitution did not intend to lay down any constitutional guarantee against illegal attachment of property.² The law relating to attachment is provided by our Codes of Procedure and for violation of those provisions, the person aggrieved has got proper legal remedies.

This statute is, therefore, no longer of any use to us.

(3) 1354 *Non-Condempnation* (28 *Edw. 3, c. 3*).

This is a statute belonging to the *Magna Carta* group, providing that none shall be condemned without 'due process of law'.

Since the decision in *Gopalan's case*¹ interpreting Art. 21 of our Constitution, there is no room for the application in India of this statute or the principle involved therein outside the terms of Art. 21 itself.

(4) 1540 *Degrees of Consanguinity (Marriage) Act* (32 *Hen. 8, c. 38*).

This chapter of the statute of 1540 was enacted in a particular historical context which is no longer in existence even in England, viz., the usurpation of powers by the Bishop of Rome to legalise marriages which were contrary to the law in England.

1. *Gopalan v. State of Madras*, (1950) S.C.R. 58.

2. Cf. *Sharma v. Satish*, (1954) S.C.R. 1077.

This chapter has already been repealed in England, and we do not require it either.

(5) 1551 *Sale of Offices Act* (5 & 6 Edw. 6, c. 16).

1809 *Sale of Offices Act* (49 Geo. 3, c. 126).

These statutes penalise the act of selling or purchasing the appointment to an office or of receiving or agreeing to receive etc. any reward for appointment or nomination to or resignation from any office.

The contents of these statutes are substantially covered by sections 161 and 165A of the Indian Penal Code. It is somewhat doubtful whether receiving gratification as an inducement for resigning from an office is covered by these sections of the I.P.C. If any new provision be required, that may be inserted by an amendment of the I.P.C. and then this statute may be dispensed with.

(6) 1677 *Statute of Frauds* (29 Cha. 2, c. 3).

The formalities for various legal instruments in India are now laid down in all-India Acts like the Registration Act, the Transfer of Property Act and the Contract Act, and there is no longer any room for any separate law for the Presidency towns.

(7) 1679 *Habeas Corpus Act* (29 Cha. 2, c. 9).

1862 *Habeas Corpus Act* (25 & 26 Vict., c. 20).

There is no room for the application of these statutes since the commencement of our Constitution. The procedural provisions relating to this remedy in India will now be laid down by the Supreme Court and the High Courts under their rule-making powers.

But this power is subject to legislation¹ and whether any such legislation should be undertaken for ensuring uniformity, is a matter for further consideration.

(8) 1688 *Coronation Oath Act* (1 W. & M. c. 6).

Though as a member of the Commonwealth, India recognises the British Crown as the symbolic head of the Commonwealth, the British Crown has no longer any sovereignty over India and the Indian citizens owe no allegiance to it. Hence, any statute relating to the British Crown has no longer any application to India.

The Act of Settlement, 1701, and the statutes relating to the demise of the Crown, 1702, 1707 also fall under this category.

(9) 1698 *Crime in Plantations Act* (11 Will. 3, c. 12).

This statute lays down how Governors etc. of British plantations and colonies are to be tried for offences committed within their respective jurisdictions.

Needless to say, no such law is required for India any longer.

(10) 1701 *Act of Settlement* (12 and 13 Will. c. 2).

(See under 1688, *Coronation Oath Act*, ante).

1. Vide art. 145 (1) of the Constitution.

- (11) 1702 *Demise of the Crown Act* (1 Anne. c. 2).
 (12) 1707 *Demise of the Crown Act* (6 Anne. c. 41).

(See under 1688, *Coronation Oath Act*, ante).

- (13) 1780 *East India Co. Act* (21 Geo. 3, c. 45).

1797 *E.I. Co. Act* (37 Geo. 3, c. 142).

Both these statutes were repealed by the Tenth Schedule of the Government of India Act, 1935. Hence, nothing remains to be done.

- (14) 1781 *House of Commons Disqualifications Act* (22 Geo. 3, c. 45).

What will disqualify a person for a seat in the British House of Commons is no longer of any interest to us.

- (15) 1797 *E.I. Co. Act* (37 Geo. 3, c. 142).

(See 1780 *E.I. Co. Act*, ante).

- (16) 1802 *Criminal Jurisdiction Act* (42 Geo. 3, c. 85).

The Crime in Plantations Act, 1698 (ante) applied only to Governors and holders of similar offices. The present Act extends the same principles to all public officers of Great Britain in respect of offences committed abroad,—providing that they shall be liable to be tried in England, as if the offence had been committed in England.

This statute may still be of importance for Great Britain but not for India.

- (17) 1809 *Sale of Offices Act* (49 Geo. 3, c. 126).

(See 1551 *Sale of Offices Act*, ante).

- (18) 1811 *East India Company Bonds Act* (51 Geo. 3, c. 64).

The following statutes relating to loans floated by the East India Co. have been repealed in England, by the repealing statute mentioned in the footnote¹:

- 1811 *E.I. Co. Bonds Act* (51 Geo. 3, c. 64);
 1859 *E.I. Loan Act* (22 Vict., c. 11);
 1859 *E.I. Loan (No. 2) Act* (22 & 23 Vict., c. 39);
 1860 *E.I. Stock Act* (23 & 24 Vict., c. 102);
 1860 *E.I. Loan Act* (23 & 24 Vict., c. 130);
 1861 *Bank of England Act* (24 & 25 Vict., c. 3);
 1861 *E.I. Loan Act* (24 & 25 Vict., c. 25);
 1863 *India Stock Certificate Act* (26 & 27 Vict., c. 73);
 1869 *E.I. Loan Act* (32 & 33 Vict., c. 106);
 1871 *India Stock Dividends Act* (34 & 35 Vict., c. 29);
 1873 *E.I. Loan Act* (36 & 37 Vict., c. 32);

1. 1 Edw. 8 & 1 Geo. 6, c. 14.

- 1874 E.I. Loan Act (37 & 38 Vict., c. 3);
 1877 E.I. Loan Act (40 & 41 Vict., c. 51);
 1879 E.I. Railway (Redemption of Annuities) Act (42 and 43 Vict., c. 43);
 1879 E.I. Loan Act (42 & 43 Vict., c. 60);
 1880 E.I. Loan (E.I. Railway Debentures) Act (43 Vict., c. 10);
 1880 India Stock (Powers of Attorney) Act (43 Vict., c. 11);
 1881 E.I. Railway (Redemption of Annuities) Act (44 & 45 Vict., c. 53);
 1885 E.I. Loan Act (48 & 49 Vict., c. 28);
 1893 E.I. Loan Act (56 & 57 Vict., c. 70);
 1893 E.I. Loan Act (61 & 62 Vict., c. 13);
 1901 E.I. Loan (G.I.P. Railway Debentures) Act (1 Edw. 7, c. 25);
 1905 E.I. Loans (Railways) Act (5 Edw. 7, c. 19);
 1908 E.I. Loans Act (8 Edw. 7, c. 54);
 1910 E.I. Loans (Railway and Irrigation) Act (10 Edw. 7, c. 5);
 1923 E.I. Loans Act (13 and 14 Geo. 5, c. 31).

Since the repealing statute¹ also extended to India, nothing further is required.

(19) 1812 *Prisoners of War (Escape) Act* (52 Geo. 3, c. 156).

This statute provides for the punishment of any person who aids or assists a prisoner of war, confined in any part of His Majesty's Dominions, to escape.

In India, section 130 of the Indian Penal Code provides the corresponding law.

Hence, this statute may be dispensed with, but the provision in section 3 of the English Act which deals with the offence when committed on the high seas should be imported into the Indian law.

(20) 1819 *Ordination for Colonies Act* (5 Geo. 3, c. 60).

This Act empowers the Archbishops of Canterbury and York or the Bishop of London to admit persons into Holy Orders, for the 'colonies and foreign possessions'.

There being a large Christian community in India, such legislation may still be required for India. But since the statute applies in respect of 'colonies and foreign possessions', it is no longer applicable to India, according to the decision in *Menon's case*².

Hence, if such legislation be necessary, India should enact a proper law of her own, after consulting the interests concerned.

1. 1 Edw. 8 & 1 Geo. 6, c. 14.

2. *State of Madras v. Menon*, (1955) 1 S.C.R. 28287.

(21) 1820 *Divorce Bills Evidence Act* (1 Geo. 4, c. 101).

This statute enabled the examination of witnesses to be taken in India in support of private Bills of Divorce on account of adultery committed in India, upon warrant issued by the Speaker of either House of Parliament.

This is a procedural law which has been repealed in England by the Statute Law Revision Act, 1950¹.

Hence, it has no longer any practical utility in India.

(22) 1823 *Lascars Act* (4 Geo. 4, c. 80).

S. 31 of this Act provides that if an Asiatic Lascar is convicted by a Magistrate in the U.K. for an act of vagrancy, it shall be lawful for the Magistrate to order him to be shipped on board of a vessel bound to the place from whence he was brought.

It is evident that s. 31 deals with the powers of a Magistrate in the U.K. and is not required for India now.

The rest of the statute applying to India empowers the Governor-General-in-Council to make regulations relating to lascars. There is no reason why this portion should not be included in an Indian Act.

(23) 1824 *Slave Trade Act* (5 Geo. 4, c. 113).

1843 *Slave Trade Act* (6 and 7 Vict., c. 98).

1873 *Slave Trade (East African Courts) Act* (36 and 37 Vict., c. 59).

1873 *Slave Trade Act* (36 and 37 Vict., c. 88).

1876 *Slave Trade Act* (39 and 40 Vict., c. 46).

1879 *Slave Trade (East African Courts) Act* (42 and 43 Vict., c. 38).

The above group of statutes relates to slave trade.

(A) The statute of 1824 is a consolidating statute relating to slave trade,—penalising purchase, sale, exportation, importation etc. of slaves.

We have s. 370 of the Indian Penal Code, covering the same ground.

(B) The statute of 1843 as amended by S.R.O. 1937 (No. 230) empowers the High Court of England to issue a writ of mandamus to a High Court in India to hold a Court and examine witnesses in connection with an indictment for a slave trade offence. This statute was passed for the effectual suppression of the slave trade.

The need for such a statute for India at the present moment is not clear. Even if India be willing to act in aid of the Court of Queen's Bench in England, this statute will have to be modified, because a High Court in India can no longer be said to be a tribunal inferior to the Queen's Bench and is not bound by a writ of mandamus issued by the latter.

¹ 14 Geo. 6, c.6.

(C) The statute of 1875 (36 and 37 Vict., c. 59) extends the jurisdiction of the Vice-Admiralty Court at Aden and of the British Consuls regarding suppression of slave trade in pursuance of treaties made between the U.K. and the East African countries.

In the present situation, no such law is required for India.

(D) The second statute of 1873 (36 and 37 Vict., c. 88) is a statute for implementing treaties between the U.K. and any foreign State, for the suppression of slave trade, and confers powers upon the naval commanders, courts etc. of the U.K. and British possessions, for seizing and disposing of slave ships and the like.

(E) The statute of 1876 confers extra-territorial jurisdiction upon the Courts in India to punish offences relating to slave trade, committed on the high seas or in any part of Asia or Africa.

(F) The Act of 1879 is in the nature of a supplement to the Act of 1873—the Slave Trade (East African Courts) Act, 1873.

We had in India, an Act relating to slave trade, namely, the Indian Slavery Act, 1843, which declared the law relating to slavery within the territories of the East India Co. It provided, *inter alia*, for the prohibition of sale of persons or of right to his labour on the ground of slavery. But the Indian Act (Act 5 of 1843) has been repealed by the Repealing and Amending Act of 1952 (Act 48 of 1952), on the ground that the legislation had become 'otiose' [*vide* Ministry of Law No. F.11-2-51-L (Vol. I), page 73, paragraph 4]; what is meant is, that the mischief to remedy which the Slavery Act was passed no longer exists and hence no legislation is needed any longer. We have in the Indian Penal Code, sections 370 and 371, dealing with the offence of trafficking in slaves. In the present state of affairs, those provisions relating to slavery seems to be enough.

If we want further powers, we can at any moment amend the Indian Penal Code for the purpose, or make a law of our own relating to slave trade.

(24) 1828 *Criminal Law (India) Act* (9 Geo. 4, c. 74).

This statute gave to the Supreme Court and thereafter to the High Court the jurisdiction to try certain offenders and accessories even though the offences might have been committed on the high seas or abroad.

But in view of *Menon's case*¹, the applicability of this statute to India seems to be doubtful, since it confers the jurisdiction upon "His Majesty's Courts erected within the British Territories".

This jurisdiction is necessary in India even after Independence, but the contents of this statute should be imported into our own legislation.

1. *State of Madras v. Menon*, (1955) 1 S.C.R. 280 (287).

The provisions may properly be incorporated into the Criminal Procedure Code or in a separate legislation relating to Admiralty jurisdiction.

(25) 1830 *Illusory Appointments Act* (11 Geo. 4 & 1 Will. 4, c. 46)¹.

This statute provides, *inter alia*, that no appointment in exercise of a power shall be invalid merely on the ground that a nominal share has been given to any object of the power.

In India, this statute was extended to territories outside the Presidency Towns, by the Illusory Appointments and Infants' Property Act (XXIV of 1841), 'in order to make the law uniform'. This Act, however, did not affect the operation of the English statute in areas governed by English law at the time of the passing of the Indian Act.

Now, this Indian Act of 1841 has since been repealed by the Repealing and Amending Act (XLVIII of 1952) on the ground that—

"there is no need to perpetuate this Act in India with all its attendant confusion caused by its unfamiliar land tenure terms".

The reason why the English statute should also be removed from our statute book is that in independent India, there is no reason why European British subjects should be governed by a separate law in matters which are governed by *lex loci*, or why there should be a separate law for the Presidency Towns when the historical reasons behind the differentiation have disappeared.

(26) 1830 *Debts Recovery Act* (11 Geo. 4 & 1 Will. 4, c. 47)².

This statute facilitated the payment of debts out of the real estate of infants.

The statute was extended to areas outside the Presidency towns in India, by the Illusory Appointments and Infants' Property Act, 1841, which has now been repealed by Act XLVIII of 1952, and the comments made on the 1830 Illusory Appointments Act, *ante*, would hold good in respect of the present statute also.

(27) 1830 *Infants' Property Act* (11 Geo. 4 & 1 Will. 4, c. 65)³.

This statute dealt with the rights of infants, *femes covert* and the like to hold particular tenures in England.

This English statute was extended to areas outside the Presidency towns in India, by the Illusory Appointments and Infants' Property Act (XXIV of 1841). But that Act has been repealed by the Repealing and Amending Act (XLVIII of 1952). See under 1830 Illusory Appointments Act, *ante*, and the comments made in that connection will apply to the present statute also.

1. Already replaced in England, by 15 & 16 Geo. 5, c.20.

2. *Ibid*, c.23.

3. *Ibid*, c. 5.

(28) 1830 *Colonial Offices Act* (1 Will. 4, c. 4).

This statute provides that the tenure of any Colonial Governor and the like shall not expire with the demise of the Crown.

This is no longer necessary for India.

(29) 1831 *Evidence on Commission Act* (1 Will. 4, c. 22).

1840 *Debtors (Ireland) Act* (3 & 4 Vict., c. 105).

1859 *Evidence by Commission Act* (22 Vict., c. 20).

1885 *Evidence by Commission Act* (48 & 49 Vict., c. 74).

All these statutes contain provisions for examination of witnesses on commission.

(A) The statute of 1831 extends the provisions of the *East India Act* (13 Geo. 3, c. 63) relating to examination of witnesses upon interrogatories and on commission to all 'colonies, islands, plantations and dominions' of His Majesty.

(B) The statute of 1840 empowered the courts at Dublin to examine witnesses on commission and to issue writs for this purpose to courts in any of the British colonies, dominions etc.

(C) The statute of 1859 provides that any court within 'His Majesty's dominions' may issue a commission for the examination of witnesses residing out of its jurisdiction whereupon a High Court in India or any other superior court in the U.K. or elsewhere in the British Possessions shall execute that commission by examining such witnesses etc.

(D) The statute of 1885 authorises the court issuing the commission to nominate the person who is to examine the witness in execution of the commission.

So far as we are concerned, our Codes of Procedure already contain provisions for the execution of such commissions issued by foreign tribunals. Thus—

(a) S. 504(3) of the Criminal Procedure Code provides for the issue of commissions for examination of witnesses outside India.

(b) S. 508A of the Criminal Procedure Code deals with foreign commissions and sub-sec. (2) (b) empowers the Central Government to notify any country to be included under this provision.

(c) Similarly, O.26, rr.19-22 of the Code of Civil Procedure deal with the execution, by the High Court, of a commission to examine witnesses, issued by a foreign tribunal.

The definition of 'foreign court' in s. 2(5) of the Civil Procedure Code includes any court situated outside India.

No separate provision thus appears to be necessary for the U.K. and the Dominion Courts. Subject to any modifications of the existing provisions in the Codes as may be necessary, these statutes may be dispensed with.

The present position between Eire and India in this respect may also be examined and if the law contained in the statute of 1840 be still necessary, it may be incorporated in our Codes of Procedure.

(30) 1832 *Army Prize Money Act* (2 & 3 Will. 4, c. 53).

This statute deals with the mode of payment and distribution of prize money and other captures made by the Army.

There is no corresponding law in India. Perhaps legislation on the subject will be necessary.

(31) 1833 *Judicial Committee Act* (3 & 4 Will. 4, c. 41).

1843 *Judicial Committee Act* (6 & 7 Vict., c. 38).

1844 *Judicial Committee Act* (7 & 8 Vict., c. 69).

1881 *Judicial Committee Act* (44 & 45 Vict., c. 3).

1895 *Judicial Committee Amendment Act* (58 & 59 Vict., c. 44).

1913 *Appellate Jurisdiction Act* (3 & 4 Geo. 5, c. 21).

1915 *Judicial Committee Act* (5 & 6 Geo. 5, c. 92).

Appeals to Privy Council having been abolished, we are no longer interested in the composition etc. of the Judicial Committee of the Privy Council.

These statutes are, therefore, no longer required.

(See also 1851 *Court of Chancery Act*, 14 & 15 Vict., c. 83).

(32) 1833 *Government of India Act*. (Also Acts of 1858, 1915, 1919, 1935).

(a) The Act of 1935 has been repealed by Art. 395 of our Constitution.

(b) The *Government of India Act*, 1919 was repealed by s. 321 of the *Government of India Act*, 1935, but the Preamble to the Act of 1919 was not repealed because the Act of 1935 had no Preamble and the Preamble of 1919 was intended to be used to indicate the objects of the British Government. With the repeal of the Act of 1935, this Preamble must have gone.

(c) The Act of 1915 was repealed by the 10th Schedule of the *Government of India Act*, 1935.

(d) The Act of 1833 was repealed by s. 130, Schedule 4 of the *Government of India Act*, 1915 (5 & 6 Geo. 5, c. 61), except s. 112, relating to the Island of St. Helena. India has no concern with that provision.

(e) The Act of 1858 was similarly repealed by the *Government of India Act*, 1915, except s. 4. This section enables some of the Secretaries of State to sit and vote in the House of Commons.

This is also of no use to India.

(33) 1834 *Superannuation Act* (4 & 5 Will. 4, c. 24).

1860 *Superannuation Act* (23 & 24 Vict. c. 89).

1887 *Superannuation Act* (50 & 51 Vict. c. 67).

1914 *Superannuation Act* (4 & 5 Geo. c. 86).

1935 *Superannuation Act* (25 & 26 Geo. 5, c. 23).

1946 *Superannuation Act* (9 & 10 Geo. 6, c. 60).

These statutes deal with pensions and allowances etc. payable to persons retired from civil offices in His Majesty's service.

Prima facie, India has no longer any interest in these statutes. The Act of 1860 has already been repealed by the Government of India Act, 1935.

(34) 1840 *Debtors (Ireland) Act* (3 & 4 Vict., c. 105).

(See 1831 *Evidence on Commission Act*, ante).

(35) 1843 *Colonies Evidence Act* (6 & 7 Vict. c. 22).

This statute says that any colonial law which provides for the admission of unsworn testimony of certain persons shall not be void for repugnancy to the law of England.

India has no interest in this statute.

(36) 1843 *Judicial Committee Act* (6 & 7 Vict., c. 38).

(See 1833 *Judicial Committee Act*, ante).

(37) 1843 *Slave Trade Act* (6 & 7 Vict., c. 98).

(See 1824 *Slave Trade Act*, ante).

(38) 1844 *Judicial Committee Act* (7 & 8 Vict., c. 69).

(See 1833 *Judicial Committee Act*, ante).

(39) 1847 *Naval Deserters Act* (10 & 11 Vict., c. 62).

1849 *Portuguese Deserters Act* (12 & 13 Vict., c. 25).

1876 *Statute Law Revision Act* (39 & 40 Vict., c. 20).

(A) The statute of 1847 provides for the apprehension of deserters from the British Navy.

(B) The statute of 1849 gives effect to the treaty between the U.K. and Portugal and provides for the apprehension of deserters from Portuguese vessels, if found in India or in any Dominion port, on the application of the Portuguese consul.

(C) The extant section of the Act of 1876 provides how the penalty imposed by the Act of 1849 is to be recovered.

In all probability, in the present diplomatic situation between India and Portugal, India would not be willing to be bound by any such obligation, which is political in nature.

The need for such legislation in India to-day may be examined by the Ministry concerned.

(40) 1849 *Portuguese Deserters Act* (12 & 13 Vict., c. 25).

(See under 1849 *Naval Deserters Act*, above).

(41) 1849 *Admiralty Offences (Colonial) Act* (12 & 13 Vict., c. 96).

1860 *Admiralty Jurisdiction (India) Act* (23 & 24 Vict., c. 88).

1874 *Courts (Colonial) Jurisdiction Act* (37 & 38 Vict., c. 27).

(A) The statute of 1849 deals with offences committed on the high seas, and empowers the courts of the colony to which the offender may belong, to try such an offence as if the offence were committed

within the territorial waters of such colony. Read with the subsequent statute—Admiralty Jurisdiction (India) Act, 1860 (23 & 24 Vict. c. 88), the word 'colony' includes—

"every part and place under the *Government of Her Majesty in India*".

(B) The statute of 1860 specifically extended the Admiralty offences (Colonial) Act, 1849 to 'British India'.

Section 2 of this statute reserves the right of the offender to be tried by the Supreme Court of the Presidency (i.e., a High Court now) where he would have his right if the offence were committed in India.

(C) The statute of 1874 also relates to offences committed on the *high seas*.

This statute deals with the punishment to be awarded when a person committing an offence on the high seas is tried in a colonial court. It says that the punishment shall ordinarily be the same as is imposed by the local law for a similar offence committed within its territory, but if the alleged act is not an offence according to the local law, the punishment shall be according to the English law.

As to the effect of this statute there has been a difference of opinion between the Calcutta and the Bombay High Courts. The Calcutta High Court¹ has been of the opinion that the statute does not authorise the punishment of an act which is not an offence under the English law and that though the procedure may be governed by the Indian law, the charge must be framed in terms of the English law, in every case. The Bombay High Court has, however, held that both the substantive and procedural law in such cases shall be Indian².

All these oddities may be removed if we enact a law of our own relating to 'crimes committed on the High seas'.

(42) 1850 *Piracy Act* (13 & 14 Vict., c. 81).

This statute confers jurisdiction upon the High Court of Admiralty in England to take cognizance of piracy cases, which constitute a species of offences committed on the high seas. It is highly doubtful whether the above statute is of any use to India now, for the power under the statute belongs to the High Court of England.

We have so far had no law of admiralty of our own. A comprehensive legislation should be undertaken very early and piracy should be included therein. In this connection, attention may be drawn to Entry 21 of List I of the Constitution which gives to Parliament comprehensive power to legislate with respect to piracy.

1. *R.v. Sallmullah*, (1912) 39 Cal. 487 (490).

2. *R.v. S.K. Abdul Rahiman*, (1889) 14 Bom. 227.

- (43) 1851 *Lunatics Removal (India) Act* (14 & 15 Vict., c. 81).
 1884 *Criminal Lunatics Act* (47 & 48 Vict., c. 64).

The first-mentioned statute empowers the Provincial Governments in India to remove criminals who are adjudged lunatics, from India to the U.K. and the second statute provides for the expenses of maintenance of a criminal lunatic so removed.

Both these statutes are, *prima facie*, unnecessary for us now.

- (44) 1851 *Court of Chancery Act* (14 & 15 Vict., c. 83).

The unrepealed portion of this statute (s. 16) deals with the quorum of the Judicial Committee, which is no longer of any concern to us. (See under 1833 Judicial Committee Act, *ante*).

- (45) 1852 *Colonial Bishops Act* (15 & 16 Vict., c. 52).

1853 *Colonial Bishops Act* (16 & 17 Vict., c. 49).

These statutes deal with the powers of Colonial Bishops and the effects of a person being ordained a deacon or priest in a colonial possession.

Prima facie, these statutes are still necessary for the Christian community in India.

- (46) 1853 *Coinage (Colonial Offences) Act* (16 & 17 Vict., c. 48).

This Act extends to British 'colonies and possessions', the English statutes relating to coinage offences, *viz.*, *Coinage Offences Act*, 1832 (2 & 3 Will. 4, c. 34;¹ also 7 Will. 4 & 1 Vict., c. 90, s. 5).

The result of these statutes is to provide for the punishment for importing into a colony a counterfeit coin resembling a coin of Her Majesty.

S. 237 of our Penal Code penalises the importation of any counterfeit foreign coin and the English statutes are unnecessary.

- (47) 1853 *Customs Consolidation Act* (16 & 17 Vict., c. 107).

This statute has already been repealed by the Government of India Act, 1935.

- (48) 1854 *Registration of Births, Deaths & Marriages (Scotland) Act* (17 & 18 Vict., c. 80).

1910 *Registration of Births, Deaths & Marriages (Scotland) Amendment Act* (10 Edw. 7 & 1 Geo. c. 32).

These statutes provide that an extract of any entry in a Register of Births, Deaths and Marriages in Scotland shall be admissible "in all parts of Her Majesty's dominions" without further proof.

If we are to retain this provision, we may incorporate it into our Evidence Act (cf. s. 82). Incidentally, it may be examined whether we should confine such privilege only to England, Scotland and Ireland.

1. Repealed in England by 24 & 25 Vict., c.95, s.1.

(49) 1856 *Foreign Tribunals Evidence Act* (19 & 20 Vict., c. 113).

This statute enables a court in 'Her Majesty's dominions' to examine witnesses in relation to civil or commercial matters pending before a foreign tribunal, upon an application made in that behalf, supported by the certificate of the diplomatic agent of such foreign country.

So far as the Courts in India are concerned, it would be more convenient if the subject-matter of this statute were transferred to the Code of Civil Procedure, in case it is sought to be retained.

(50) 1858 *Government of India Act* (21 & 22 Vict., c. 106).

(See 1833 *Government of India Act*, ante).

(51) 1859 *East India Loan Act* (22 Vict., c. 11).

(See 1811 E.I. Co. Bonds Act, ante).

(52) 1859 *Evidence by Commission Act* (22 Vict., c. 20).

(See 1831 *Evidence on Commission Act*, ante).

(53) 1859 *East India Loan (No. 2) Act* (22 & 23 Vict., c. 39).

(See 1811 E.I. Co. Bonds Act, ante).

(54) 1859 *Royal Naval Reserve (Volunteer) Act* (22 & 23 Vict., c. 40).

1896 *Royal Naval Reserve (Volunteer) Act* (59 & 60 Vict., c. 33).

1902 *Royal Naval Reserve Act* (2 Edw. 7, c. 5).

1927 *Royal Naval Reserve Act* (17 & 18 Geo. 5, c. 18).

1942 *Royal Naval Reserve (Volunteer) Act* (5 & 6 Geo. 6, c. 18).

All these statutes relate to the British Naval Forces and do not concern us now.

(55) 1859 *British Law Ascertainment Act* (22 & 23 Vict., c. 63).

1861 *Foreign Law Ascertainment Act* (24 & 25 Vict., c. 11).

Both these statutes enable any court within the British Dominions to ascertain the law administered in any other country, by stating a case for the opinion of a superior court in that country. While the statute of 1859 applies where that country is another part of the British Dominions, the statute of 1861 applies where that country is a foreign country, situated outside the British Dominions. The latter statute is founded on international conventions entered into between the U.K. and foreign countries.

India being no longer a Dominion, adaptation of these statutes is necessary. It would be better to engraft appropriate provisions in the Evidence Act, giving reference to these English Statutes so that our parties as well as the courts may easily understand that the courts possess this power. So far as the statute of 1861 is concerned, a fresh arrangement between India and the foreign countries may be necessary, if we want to enact a similar law of our own.

(56) 1860 *Indian Securities Act* (23 & 24 Vict., c. 5).

This statute provides that

(a) Indian Government promissory notes and certificates on which interest is payable in London shall, on the decease of the owner, be deemed to be his personal estate.

(b) No stamp duty shall be payable on the same.

Prima facie, this statute relates to conditions in England and a repeal of the statute by India will not affect anybody.

(57) 1860 *Admiralty Jurisdiction (India) Act* (23 & 24 Vict., c. 88).

(See 1849 *Admiralty Offences (Colonial) Act*, *ante*).

(58) 1860 *Superannuation Act* (23 & 24 Vict., c. 89).

This statute has been repealed by the Government of India Act, 1935 (Tenth Schedule).

(59) 1860 *E.I. Stock Act* (23 & 24 Vict., c. 102).

(See 1811 *E.I. Co. Bonds Act*, *ante*).

(60) 1860 *Admiralty Offences (Colonial) Act* (23 & 24 Vict., c. 122).

This is merely an enabling statute. It enables a Colonial Legislature to make a law providing for the trial, of the offence of murder or manslaughter, of an offender who had committed an act, such as hurt or poisoning, against another person within the territorial limits of the colony as a result of which that other person dies outside the limits of the colony.

This statute is no longer of any use to India. If India wants to legislate in this respect, our Parliament can do so without the authority of the British Parliament.

(61) 1860 *E.I. Loan Act* (23 & 24 Vict., c. 130).

(See 1811 *E.I. Co. Bonds Act*, *ante*).

(62) 1861 *Bank of England Act* (24 & 25 Vict., c. 3).

(See 1811 *East India Co. Bonds Act*, 51 Geo. 3, c. 64).

(63) 1861 *Foreign Law Ascertainment Act* (24 & 25 Vict., c. 11).

(See 1859 *British Law Ascertainment Act*, *ante*).

(64) 1861 *E.I. Loan Act* (24 & 25 Vict., c. 25).

(See 1861 *E.I. Co. Bonds Act*, *ante*).

(65) 1861 *Malicious Damage Act* (24 & 25 Vict., c. 97).

This statute, in so far as it applies to India, penalises the act of maliciously setting fire to, or casting away or otherwise destroying a ship or vessel.

Such a provision is necessary for India and, in fact, one of the above-mentioned acts forms the subject-matter of illustrations (e) and (f) of section 425 of the I.P.C. There is no reason why a section should not be inserted in the I.P.C., embodying all the above acts, so that the English statute may be dispensed with.

(66) 1861 *Wills Act* (24 & 25 Vict., c. 114).

This statute provides that any will executed by a British subject out of the U.K. shall be admitted to probate in the U.K., as regards personal estate, if it had been executed according to the law of the place where the testator was domiciled when the will was made.

The statute is not necessary for our purposes.

(67) 1861 *Domicile Act* (24 & 25 Vict., c. 121).

This statute provides that on the conclusion of a convention with any foreign State, the British Crown may lay down, by an Order in Council, certain conditions for the acquisition of domicile in that foreign State by British subjects and in the U.K. by the subjects of such foreign State.

This statute, as such, is not necessary for India, but it may be considered whether we require similar legislation with respect to our relations with foreign States.

(68) 1862 *India Stock Transfer Act* (25 & 26 Vict., c. 7).

This statute provides for the registration and transfer of India stocks at the Bank of Ireland and for the mutual transfer of such stocks from and to the Banks of England and Ireland respectively.

So far as India is concerned, any such law is hardly necessary now.

(69) 1862 *Habeas Corpus Act* (25 & 26 Vict., c. 20).

(See under 1679 *Habeas Corpus Act*, *ante*).

(70) 1862 *Fine Arts Copyright Act* (25 & 26 Vict., c. 68).

This statute provides for protection of copyright in paintings and other works of fine arts.

The Copyright Bill, 1955, now pending before our Parliament, includes copyright in artistic works. Hence, the English statute is unnecessary.

(71) 1863 *India Stock Certificate Act* (26 & 27 Vict., c. 73).

It has been already repealed in England and it is not necessary for our purposes.

(See under 1811 *E.I. Co. Bonds Act*, *ante*).

(72) 1863 *Colonial Letters Patent Act* (26 & 27 Vict., c. 76).

This statute lays down the dates of commencement of Letters Patents issued by the British Crown for the colonies, from time to time.

It is unnecessary for our purposes.

(73) 1864 *Naval Prize Act* (27 & 28 Vict., c. 25).

This statute lays down the English law of naval prizes and Prize Courts and provides that the High Court of Admiralty shall have jurisdiction throughout 'Her Majesty's Dominions' as a prize court.

It is high time that India should have her own law of admiralty and the contents of this statute should be incorporated therein.

(74) 1864 *India Office Site Act* (27 & 28 Vict., c. 51).

(75) 1865 *India Office Site and Approaches Act* (28 & 29 Vict., c. 32).

An enquiry may be made whether these statutes are still of any use to the office of our High Commissioner in the U.K.

(76) 1866 *India Military Funds Act* (29 & 30 Vict., c. 18).

This statute deals with the rights of persons entitled to allowances etc. out of certain Military Funds, e.g., Bengal, Madras and Bombay Military Funds.

This statute has become obsolete.

(77) 1866 *Indian Prize Money Act* (29 & 30 Vict., c. 47).

1868 *Indian Prize Money Act* (31 & 32 Vict., c. 38).

(A) The statute of 1866 was passed to legalise the payment of Indian Prize Money due to "officers and troops of His Majesty's Army", by the Chelsea Hospital.

(B) The statute of 1868 provides for the appropriation of certain unclaimed shares of prize money acquired by soldiers and seamen in India, after the lapse of a specified time.

These statutes are unnecessary for India now.

(78) 1866 *Naval Discipline Act* (29 & 30 Vict., c. 109).

1884 *Naval Discipline Act* (47 & 48 Vict., c. 39).

1909 *Naval Discipline Act* (9 Edw. 7, c. 14).

1915 *Naval Discipline Act* (5 Geo. 5, c. 30).

1917 *Naval Discipline Act* (7 & 8 Geo. 5, c. 34).

1941 *Naval Discipline (Amendment) Act* (4 & 5 Geo. 6, c. 29).

The provisions of these statutes were adopted by the Indian Legislature by enacting the Indian Navy (Discipline) Act (XXXIV of 1934).

Subsequently, references to the English statute have been omitted from Act XXXIV of 1934 by the Adaptation of Laws Order, 1950, so that the entire subject-matter is now codified in a self-contained Indian Law.

(79) 1866 *Straits Settlements Act* (29 & 30 Vict., c. 115).

1887 *British Settlement Act* (50 & 51 Vict., c. 54).

(A) The statute of 1866 provided for the government of 'Straits Settlements'.

(B) The statute of 1887 relates to the government of other British settlements.

India has no interest in these statutes now.

(80) 1868 *Indian Railway Companies Act* (31 & 32 Vict., c. 26).

1873 *Indian Railway Companies Act* (36 & 37 Vict., c. 43).

(A) The statute of 1868 authorised the Indian Railway Companies, such as the G.I.P.R., E.I.R., to issue debentures etc.

(B) The statute of 1873 authorised these Railway companies to issue and register shares and securities in India.

These statutes appear to have become obsolete.

(81) 1868 *Documentary Evidence Act* (31 & 32 Vict., c. 31).

1882 *Documentary Evidence Act* (45 & 46 Vict., c. 9).

These statutes penalise the act of forging certain documents issued by the English Crown or by any colonial Government and also provide how such documents are to be proved.

If these provisions are to be retained, they may be included in our Penal Code and Evidence Act, in proper places.

(82) 1868 *Indian Prize Money Act* (31 & 32 Vict., c. 38).

(See 1866 *Indian Prize Money Act*, ante).

(83) 1869 *East Indian Irrigation & Canal Act* (32 & 33 Vict., c. 7).

This statute confirmed certain agreements between the Secretary of State in Council and the East Indian Irrigation and Canal Company for the construction of certain irrigation works.

This statute appears to be obsolete.

(84) 1869 *East India Loan Act* (32 & 33 Vict., c. 106).

1873 *East India Loan Act* (36 & 37 Vict., c. 32).

(See under 1811 *East India Co. Bonds Act*, ante).

(85) 1870 *Coinage Act* (33 & 34 Vict., c. 10).

1891 *Coinage Act* (54 & 55 Vict., c. 72).

These statutes constitute the English law relating to currency and coinage in England.

India has no longer any interest in these statutes.

(86) 1870 *Extradition Act* (33 & 34 Vict., c. 52).

1873 *Extradition Act* (36 & 37 Vict., c. 60).

1895 *Extradition Act* (58 & 59 Vict., c. 33).

1906 *Extradition Act* (6 Edw. 7, c. 15).

1932 *Extradition Act* (22 & 23 Geo. 5, c. 39).

We have got a law of our own on the subject—the Indian Extradition Act (XV of 1903). This Act lays down the procedure to be followed in India after a valid requisition for extradition is received from a foreign State.

The right of a foreign Government to make such requisition, however, rests on treaty between the two countries concerned.

Now, so far as the right of England or any British Possession to demand extradition from India is concerned, the law is provided by the English statutes mentioned above and the Indian Extradition Act proceeds on the assumption that these statutes apply to India.

These statutes, however, apply to 'British Possessions'. In *State of Madras v. Menon*,¹ the Supreme Court has held that India was no longer a British Possession and the English statutes were, therefore, no longer applicable to India. The following observations, in particular, deserve to be noticed—

"After the achievement of independence—by no stretch of imagination could India be described as a British Possession. Truly speaking, it becomes a foreign territory, so far as other British Possessions are concerned and the extradition of persons taking asylum in India, and having committed offences in British Possessions, could only be dealt with by an arrangement between the Sovereign Democratic Republic of India and the British Government and given effect to by appropriate legislation. The Union Parliament has not so far enacted any law on the subject and it was not suggested that any arrangement has been arrived at between these two Governments".

Steps should be taken early in response to the above observations of the Supreme Court, for enacting Indian legislation relating to the subject.

(87) 1870 *Foreign Enlistment Act* (33 & 34 Vict., c. 90).

This statute regulates the conduct of British subjects throughout the Dominions during the existence of hostilities between foreign States with which the British Crown is at peace. Thus S. 4 prohibits a British subject from enlistment in service of a foreign State which is at war with another foreign State, friendly with the British Crown.

Since the extant clause of this statute refers to 'Dominions', it has become inapplicable to India, according to *Menon's case*.¹

But such a legislation is necessary for India, for no Indian citizen can be allowed to side against a State friendly with India, in case of war between that State and another. Further, whether the benefit of the legislation should be extended to all members of the Commonwealth is another question to be considered.

(88) 1871 *India Stock Dividends Act* (34 & 35 Vict., c. 29).

(See 1811 E.I. Co. Bonds Act, *ante*).

(89) 1872 *Naturalisation Act* (35 & 36 Vict., c. 39).

This statute appears to have been repealed by S. 19(2) of our Citizenship Act (LVII of 1955) which repeals—"all laws relating to naturalisation which are in force in any part of India".

Hence, nothing remains to be done.

- (90) 1873 *East Indian Stock Dividend Redemption Act* (36 & 37 Vict., c. 17).

This statute provides for the redemption of the dividend on the capital stock of the E.I. Co., and for the transfer of the Security Fund of the company to the Secretary of State for India in Council and for dissolution of the E.I. Co.

So far as India is concerned, this statute appears to be obsolete

- (91) 1873 *East India Loan Act* (36 & 37 Vict., c. 32).

(See under 1811 *E.I. Co. Bonds Act*, ante).

- (92) 1873 *Indian Railway Companies Act* (36 & 37 Vict., c. 43).

(See 1868 *Indian Railway Companies Act*, ante).

- (93) 1873 *Extradition Act* (36 & 37 Vict., c. 52).

(See 1870 *Extradition Act*, ante).

- (94) 1873 *Slave Trade (East African Courts) Act* (36 & 37 Vict., c. 59).

- (95) 1873 *Slave Trade Act* (36 & 37 Vict., c. 88).

(See 1824 *Slave Trade Act*, ante).

- (96) 1874 *East India Loan Act* (37 & 38 Vict., c. 3).

(See 1811 *E.I. Co. Bonds Act*, ante).

- (97) 1874 *East India Annuity Funds Act* (37 & 38 Vict., c. 12).
1882 *Bombay Civil Fund Act* (45 & 46 Vict., c. 45).

(A) The statute of 1874 provided that the annuities payable out of the Bengal ■ Madras Civil Service Annuity Funds and the Annuity Branch of the Bombay Civil Fund (to civil servants retiring after ■ specified period of service) shall be liabilities of the revenues of India.

(B) The statute of 1882 provided for the transfer of the assets and liabilities of the Provident Branch of the Bombay Civil Fund to the Secretary of State for India in Council.

In all probability, these statutes have no possible application at the present day.

- (98) 1874 *Courts (Colonial) Jurisdiction Act* (37 & 38 Vict., c. 27).

(See under 1949 *Admiralty Offences (Colonial) Act*, ante).

- (99) 1874 *Colonial Clergy Act* (37 & 38 Vict., c. 77).

This Act imposes certain restrictions on the colonial clergy. The subject-matter of the legislation seems to be still necessary for India.

- (100) 1876 *Royal Titles Act* (39 & 40 Vict., c. 10).
 1901 *Royal Titles Act* (1 Edw. 7, c. 15).
 1927 *Royal & Parliamentary Titles Act* (17 & 18 Geo. 5, c. 4).

Obviously, we are no longer interested in these statutes, for the Crown of England is no longer the 'Emperor of India', and is not entitled to add anything to its title on account of India.

- (101) 1876 *Statute Law Revision Act* (39 & 40 Vict., c. 20).

(See 1849 *Portuguese Deserters Act*, *ante*).

- (102) 1876 *Customs Consolidation Act* (39 & 40 Vict., c. 36).

This statute extends the British Customs Acts to 'British Possessions abroad' and goes to the extent of annulling all laws in the British Possessions which are repugnant to the British Customs Act and vests the powers of Commissioners of Customs in the Governor of those Possessions.

This Act does not appear to be any longer necessary for our purposes.

- (103) 1876 *Slave Trade Act* (39 & 40 Vict., c. 46).

(See 1843 *Slave Trade Act* *ante*).

- (104) 1877 *E.I. Loan Act* (40 & 41 Vict., c. 51).

(See under 1811 *E.I. Co. Bonds Act*, *ante*).

- (105) 1878 *Dentists Act* (41 & 42 Vict., c. 33).

This statute provides for the registration of dentists in the U.K. and the British Possessions.

We have now a *Dentists Act* of our own (XVI of 1948) which extends to the whole of India except Jammu & Kashmir.

The utility of the British statute now is not apparent.

- (106) 1878 *Elders' Widows' Fund (India) Act* (41 & 42 Vict., c. 47).

This statute provides, *inter alia*, that the India Office Provident Fund shall alone be liable to meet the claims of the subscribers to the Elders' Widows' Fund who had elected to subscribe to the India Office Provident Fund.

In all probability, the purpose of this statute has been served.

- (107) 1878 *Territorial Waters Jurisdiction Act* (41 & 42 Vict., c. 73).

This statute empowers the Admiralty in England or in any of the British Dominions to have jurisdiction over any offence committed within the 'territorial waters' of the U.K., or of a Dominion as the case may be,—even though the offence may have been committed by a foreign national or on board a foreign ship.

The territorial waters being a part of the territory of a State, India is competent to enact a law of her own, defining the limits of its 'territorial waters'. (This has been recently defined by an executive notification).

- (108) 1879 *Registration of Births, Deaths and Marriages (Army) Act* (42 & 43 Vict., c. 8).

This Act empowered the British Crown to make regulations for the registration of the births, deaths and marriages occurring, out of the U.K., among officers and soldiers of 'Her Majesty's Forces, and their families'.

Prima facie, this statute is no longer of any interest to India.

(109) 1879 *Slave Trade (East African Courts) Act* (42 & 43 Vict., c. 38).

(See 1843 *Slave Trade Act*, *ante*).

(110) 1879 *Indian Guaranteed Railways Act* (42 & 43 Vict., c. 41).

This statute empowered the 'Guaranteed Railway Companies', e.g., the G.I.P.R., M.R., B.B.C.I.R., to enter into agreements and to exercise some other powers with respect to their undertakings.

Prima facie, this statute is no longer of any use to us.

(111) 1879 *E.I. Railway (Redemption of Annuities) Act* (42 & 43 Vict., c. 43).

(See under 1811 E.I. Co. Bonds Act, *ante*).

(112) 1879 *E.I. Loan Act* (42 & 43 Vict., c. 60).

(See under 1811 E.I. Co. Bonds Act, *ante*). ..

(113) 1880 *E.I. Loan (E.I. Ry. Debentures) Act* (43 Vict., c. 10).

(See 1811 E.I. Co. Bonds Act, *ante*).

(114) 1880 *India Stock (Powers of Attorney) Act* (43 Vict., c. 11).

(See under 1811 E.I. Co. Bonds Act, *ante*).

(115) 1881 *Judicial Committee Act* (44 & 45 Vict., c. 3).

(See 1833 *Judicial Committee Act*, *ante*).

(116) 1881 *India Office (Sale of Superfluous Land) Act* (44 & 45 Vict., c. 7).

This statute authorised the Secretary of State for India in Council to sell a particular piece of land.

The statute has obviously served its purpose.

(117) 1881 *E.I. Railway (Redemption of Annuities) Act* (44 & 45 Vict., c. 53).

(See 1881 E.I. Co. Bonds Act, *ante*).

(118) 1881 *Army Act* (44 & 45 Vict., c. 58).

After the enactment of a comprehensive Army Act in India in 1950, the British Act is now unnecessary.

(119) 1881 *Fugitive Offenders Act* (44 & 45 Vict., c. 69).

This statute was declared to be inapplicable to India after the commencement of the Constitution, in *Menon's case*.¹ In that case, the warrant of extradition had been issued by a Magistrate of Singapore, under Part II of the Fugitive Offenders Act, 1881. The validity

1. (1955) 1 S.C.R. 280.
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of this warrant was challenged. It was held by the Supreme Court that since this statute applied to 'British Possessions', it could no longer apply to India after it had become a Republic.

Observations were made by the Supreme Court as to the need of making fresh treaties with the Republic of India and the need for fresh legislation in this respect (see p. 50, *ante*). Government should take early steps in the matter of fresh legislation, in view of those observations of the Supreme Court.

(120) 1882 *Documentary Evidence Act* (45 & 46 Vict., c. 9).

(See 1868 *Documentary Evidence Act*, *ante*).

(121) 1882 *Bombay Civil Fund Act* (45 & 46 Vict., c. 45).

(See 1874 *East India Annuity Funds Act*, *ante*).

(122) 1882 *Reserve Forces Act* (45 & 46 Vict., c. 48).

1898 *Reserve Forces and Militia Act* (61 & 62 Vict., c. 9).

1899 *Reserve Forces Act* (62 & 63 Vict., c. 40).

1900 *Reserve Forces Act* (63 & 64 Vict., c. 42).

1906 *Reserve Forces Act* (6 Edw. 7, c. 11).

1907 *Territorial & Reserve Forces Act* (7 Edw. 7, c. 9).

1937 *Reserve Forces Act* (1 Edw. 8 & 1 Geo. 6, c. 17).

These statutes, relating to an Army Reserve in the U.K., are not necessary for us.

(123) 1884 *Colonial Prisoners Removal Act* (47 & 48 Vict., c. 31).

This statute provides for the removal, in certain circumstances, of prisoners and criminal lunatics from one 'British Possession,'¹ to another or to the U.K.

It seems that this statute may still be useful to India.

(124) 1884 *Indian Marine Service Act* (47 & 48 Vict., c. 38).

This statute was repealed by the Government of India Act, 1935,—Tenth Schedule. Hence, nothing remains to be done.

(125) 1884 *Naval Discipline Act* (47 & 48 Vict., c. 39).

(See 1866 *Naval Discipline Act*, *ante*).

(126) 1884 *Criminal Lunatics Act* (47 & 48 Vict., c. 64).

(See under 1851 *Lunatics Removal (India) Act*, *ante*).

(127) 1885 *E.I. Unclaimed Stock Act* (48 & 49 Vict., c. 25).

This statute provided for the transfer to the Secretary of State for India in Council of unclaimed 'India stock and dividends', and unclaimed railway annuities and debentures, after the lapse of a specified period.

1. The Act was specifically extended to India by the Government of India (Adaptation of Acts of Parliament) Order, 1937.

The practical need for such legislation in India is not apparent.

(128) 1885 *E.I. Loan Act* (48 & 49 Vict., c. 28).

(See 1811 *E.I. Co. Bonds Act*, *ante*).

(129) 1885 *Submarine Telegraph Act* (48 & 49 Vict., c. 49).

This statute was made to give effect to the International Convention for the protection of submarine telegraph cables, entered into between the U.K. and some other countries.

It was binding on India as a British Possession.¹ If India wants to implement this Convention, we may have a law of our own.

(130) 1885 *Indian Army Pension Deficiency Act* (48 & 49 Vict., c. 67).

This statute provided for the discharge of the liability of the Consolidated Fund of England in respect of certain Indian Army Pensions and for the application of the Indian Army Pension Deficiency Fund.

Prima facie, this statute has become obsolete.

(131) 1885 *Evidence by Commission Act* (48 & 49 Vict., c. 74).

(See 1831 *Evidence on Commission Act*, *ante*).

(132) 1886 *Medical Act* (49 & 50 Vict., c. 48).

1905 *Medical Act* (1886) *Amendment Act* (5 *Edw. 7*, c. 14).

These statutes regulate the admission to medical practice, and constitution of the Medical Council, in England.

They do not concern us.

(133) 1887 *Conversion of India Stock Act* (50 & 51 Vict., c. 11).

This statute enabled the holder of India 4% stock to convert it into India 3½% stock, with the consent of the Secretary of State.

The statute appears to be obsolete.

(134) 1887 *British Settlements Act* (50 & 51 Vict., c. 54).

(See 1866 *Straits Settlements Act*, *ante*).

(135) 1887 *Superannuation Act* (50 & 51 Vict., c. 67).

(See 1834 *Superannuation Act*, *ante*).

(136) 1887 *Appellate Jurisdiction Act* (50 & 51 Vict., c. 70).

This statute relates to the composition of the House of Lords as a court of appeal.

It no longer concerns India.

(137) 1888 *Oudh and Rohilkund Railway Purchase Act* (51 & 52 Vict., c. 5).

It has been repealed by (1936) 1 *Edw. 8* & 1 *Geo. 6*, c. 14, which statute applied to India. Hence, nothing remains to be done.

1. In this connection, the observations in Menon's case are to be taken note of.

- (138) 1889 *Commissioners for Oaths Act* (52 & 53 Vict., c. 10).
 1890 *Commissioners for Oaths Amendment Act* (53 & 54 Vict., c. 7).
 1891 *Commissioners for Oaths Act* (54 & 55 Vict., c. 50).

These statutes deal with the powers and functions of Commissioners of Oath in England. We are no longer concerned with them.

- (139) 1889 *Interpretation Act* (52 & 53 Vict., c. 63).

This statute contains the rules of construction of Acts of the British Parliament. If we can dispense with all the British statutes now applying to India, there will be no further need for the present statute.

- (140) 1890 *South Indian Railway Purchase Act* (53 & 54 Vict., c. 6).

It has been repealed by (1936) 1 Edw. 8 & 1 Geo. 6, c. 14. Nothing remains to be done.

- (141) *Commissioners for Oaths Amendment Act* (53 & 54 Vict., c. 7).

(See principal Act of 1889, ante).

- (142) 1890 *Colonial Courts of Admiralty Act* (53 & 54 Vict., c. 27).

This statute is to be read with our Indian Act of 1891, viz., *Colonial Courts of Admiralty (India) Act* (XVI of 1891).

The English statute provides for the constitution and powers of courts of admiralty in colonies and the Indian Act declares the High Courts of Calcutta, Madras and Bombay to be the colonial courts of admiralty for India for the purpose of application of the English statute.

The English statute, thus, still governs the admiralty jurisdiction of our principal High Courts.

The necessary substantive provisions of the English statute may be incorporated into our Act XVI of 1891 so as to make it the comprehensive Indian law relating to courts of admiralty.

- (143) 1890 *Foreign Jurisdiction Act* (53 & 54 Vict., c. 37).
 1913 *Foreign Jurisdiction Act* (3 & 4 Geo. 5, c. 16).

These Acts empower the British Crown to administer territories over which it has foreign or extra-territorial jurisdiction by virtue of treaty, grant, usage and the like.

'Foreign country' means any territory outside the British Dominions.

We are no longer interested in this statute. We have got our own *Foreign Jurisdiction Act* (XLVII of 1947) which serves the same purpose so far as India is concerned.

- (144) 1891 *Mail Ships Act* (54 & 55 Vict., c. 31).
 1902 *Mail Ships Act* (2 Edw. 7, c. 36).

These statutes¹ empower the British Government to carry into effect conventions made with foreign countries respecting ships engaged in Postal service. These statutes may be applied to a British Possession if the Government thereof adheres to the convention.

In all probability, India is enjoying the powers and privileges under these Acts.

If so, we should have a legislation of our own,—after entering into direct conventions with the foreign countries (as suggested in *Menon's* case), if India is not an original party to such convention.

(145) 1891 *Commissioners for Oaths Act* (54 & 55 Vict., c. 50).

(See 1889 *Commissioners for Oaths Act*, *ante*).

(146) 1891 *Coinage Act* (54 & 55 Vict., c. 72).

(See under 1870 *Coinage Act*, *ante*).

(147) 1892 *Colonial Probates Act* (55 & 56 Vict., c. 6).

This statute provides for the recognition in the U.K. of probates granted by the Courts in British Possessions, on a reciprocal basis.

It seems that this statute is still beneficial in the case of persons claiming properties in the U.K. under probate granted in India. But since the statute is based on reciprocity, it may be considered whether, in enacting an Indian law on the subject, we should not make it one of general application to all foreign States which may be willing to enter into such reciprocal arrangement.

(148) 1892 *Foreign Marriage Act* (55 & 56 Vict., c. 23).

This statute provides that if the marriage of a British subject is solemnised in the manner provided in this statute, in any foreign country, such marriage shall be valid as if it had been solemnised in the U.K.

This statute is necessary only for the U.K. and not for our purposes.

(149) 1892 *Superannuation Act* (55 & 56 Vict., c. 40).

(See 1834 *Superannuation Act*, *ante*).

(150) 1893 *Regimental Debts Act* (56 & 57 Vict., c. 5).

This statute regulates the payment of Regimental debts, and collection and disposal of the effects of persons governed by the English Military Law, in case of death, insanity and the like.

It extends to India but does not apply to 'any native of India within the meaning of Indian Military Law' (s. 25).

1. The statute of 1902 is an amending statute.

Prima facie, it seems that there may not be in India now any person governed by this statute.

(151) 1893 *Trustee Act* (56 & 57 Vict., c. 53).

1894 *Trustee Act*, 1893, *Amendment Act* (57 & 58 Vict., c. 10).

These statutes deal with the powers and duties of trustees under the English law.

We had two Acts in India regarding trustees which applied only "where English law was applicable", viz.,—

(a) *Indian Trustees Act* (XXVII of 1866);

(b) *Trustees' & Mortgagees' Powers Act* (XXVIII of 1866).

Both of them have been repealed by the *Repealing & Amending Act* (XLVIII of 1952), presumably because the English law of trusts no longer applies to any person in India. The English law applied to European British subjects in the Presidency Towns. But there is no longer any justification for discrimination in favour of European British subjects residing in the Presidency towns.

Since the *Indian Trusts Act* extends to the whole of India, including the Presidency towns, there is no need for the *English Trustee Act* in India.

(152) 1893 *Madras and Bombay Armies Act* (56 & 57 Vict., c. 62).

This has been repealed by 26 Geo. 5, c. 2. Nothing remains to be done.

(153) 1893 *East India Loan Act* (56 & 57 Vict., c. 70).

(See under 1811 *East India Co. Bonds Act*, ante).

(154) 1894 *Trustee Act*, 1893, *Amendment Act* (57 & 58 Vict., c. 10).

(See 1893 *Trustee Act*, ante).

(155) 1894 *Indian Railways Act* (57 & 58 Vict., c. 12).

This Act conferred certain powers regarding borrowing and payment of interest on 'Indian Railway Companies'.

Prima facie, this statute is obsolete.

(156) 1894 *Finance Act* (57 & 58 Vict., c. 30).

1896 *Finance Act* (59 & 60 Vict., c. 28).

(A) The Act of 1894 allows deduction from estate duty payable in England when death of a British subject takes place in a British possession where estate duty is payable in respect of property left there.

This is not necessary for our purposes.

(B) The Act of 1896 provides for the increase of annuity charged on the Consolidated Fund of England by the *Indian Army Pension Deficiency Act*, 1885 (48 & 49 Vict., c. 67).

This Act has become obsolete for the reasons given under the Act of 1885, ante.

(157) 1894 *Prize Courts Act* (57 & 58 Vict., c. 39).

This statute may be dispensed with if we enact a law relating to admiralty and prizes, as suggested under 1864 Naval Prize Act, *ante*.

(158) 1894 *Uniforms Act* (57 & 58 Vict., c. 45).

This statute penalises the use of British military uniforms or any dress simulating such uniforms by any unauthorised person.

So far as the uniform of our Indian army or navy or air forces is concerned, the corresponding provision is contained in section 140 of the Indian Penal Code.

Prima facie, there is no reason why we should still retain the British legislation as part of our law, when similar interests of other foreign States are not safeguarded.

(159) 1894 *Merchant Shipping Act* (57 & 58 Vict., c. 60).

1897 *Merchant Shipping Act* (60 & 61 Vict., c. 59).

1898 *Merchant Shipping (Liability of Ship-owners) Act* (61 & 62 Vict., c. 14).

1898 *Merchant Shipping (Mercantile Marine Fund) Act* (61 & 62 Vict., c. 44).

1900 *Merchant Shipping (Liability of Ship-owners) Act* (63 & 64 Vict., c. 32).

1906 *Merchant Shipping Act* (6 Edw. 7, c. 48).

1907 *Merchant Shipping Act* (7 Edw. 7, c. 52).

1911 *Merchant Shipping (Seamen's Allotment) Act* (1 & 2 Geo. 5, c. 8).

1911 *Merchant Shipping Act* (1 & 2 Geo. 5, c. 42).

1911 *Maritime Conventions Act* (1 & 2 Geo. 5, c. 57).

1914 *Merchant Shipping (Certificates) Act* (4 & 5 Geo. 5, c. 42).

1916 *Merchant Shipping (Salvage) Act* (6 & 7 Geo. 5, c. 41).

1913 *Merchant Shipping (Wireless Telegraphy) Act* (9 & 10 Geo. 5, c. 38).

1921 *Merchant Shipping Act* (11 & 12 Geo. 5, c. 28).

1923 *Merchant Shipping (Amendment) Act* (13 & 14 Geo. 5, c. 40).

1925 *Merchant Shipping (Equivalent Provisions) Act* (15 & 16 Geo. 5, c. 37).

1932 *Merchant Shipping (Safety and Loadline Conventions) Act* (22 & 23 Geo. 5, c. 9).

1936 *Merchant Shipping (Carriage of Munitions to Spain) Act* (1 Edw. 8 & 1 Geo. 6, c. 1).

1937 *Merchant Shipping (Spanish Frontiers Observation) Act* (1 Edw. 8 & 1 Geo. 6, c. 19).

1937 *Merchant Shipping Act* (1 Edw. 8 & 1 Geo. 6, c. 23).

1937 *Merchant Shipping (Superannuation Contributions) Act* (1 Geo. 6, c. 4).

1940 *Merchant Shipping (Salvage) Act* (3 & 4 Geo. 6, c. 43).

The principal English statute relating to merchant shipping is that of 1894. The other statutes mentioned above are amending or supplemental in nature.

It is understood that the Ministry of Transport is drafting a comprehensive legislation on the subject of merchant shipping, including the contents of these English statutes.

(160) 1895 *Documentary Evidence Act* (58 Vict., c. 9).

This statute applies the *Documentary Evidence Act, 1868* to the Board of Agriculture (see under 1868, *Documentary Evidence Act, ante*).

(161) 1895 *Extradition Act* (58 & 59 Vict., c. 33).

(See under 1870 *Extradition Act, ante*).

(162) 1895 *Judicial Committee Amendment Act* (58 & 59 Vict., c. 44).

(See under 1833 *Judicial Committee Act, ante*).

(163) 1896 *Short Titles Act* (59 & 60 Vict., c. 14).

This Act provided that certain statutes, specified in the Schedule, may be cited by the short titles mentioned therein. Since these short titles have been used in our Collection of English Statutes, this statute is of little practical utility to us now.

(164) 1896 *Finance Act* (59 & 60 Vict., c. 28).

(See 1894 *Finance Act, ante*).

(165) 1896 *Royal Naval (Reserve Volunteer) Act* (59 & 60 Vict., c. 33).

(See under 1859 *Royal Naval Reserve Forces Act, ante*).

(166) 1897 *Regular and Elders' Widows' Fund Act* (60 Vict., c. 11).

This Act authorised the Secretary of State in Council for India to take up the assets and liabilities of two Funds, viz., the Regular Widows' Fund and of the Elders' Widows' Fund. The purpose of this statute has long been served.

(167) 1897 *Merchant Shipping Act* (60 & 61 Vict., c. 59).

(See 1894 *Merchant Shipping Act, ante*).

(168) 1898 *Reserve Forces and Militia Act* (61 & 62 Vict., c. 9).

(See under 1882 *Reserve Forces Act, ante*).

(169) 1898 *East India Loan Act* (61 & 62 Vict., c. 13).

(See under 1811 *E.I. Bonds Act, ante*).

(170) 1898 *Merchant Shipping (Liability of Ship-owners) Act* (61 & 62 Vict., c. 14).

(See 1894 *Merchant Shipping Act, ante*).

(171) 1898 *Statute Law Revision Act* (61 & 62 Vict., c. 22).

1908 *Statute Law Revision Act* (8 Edw. 7, c. 49).

These are simple repealing statutes which have served their purpose.

(172) 1898 *Merchant Shipping (Mercantile Marine Fund) Act* (61 & 62 Vict., c. 44).

(See under 1894 Merchant Shipping Act, *ante*).

- (173) 1899 *Army (Annual) Act* (62 & 63 Vict., c. 3).
- 1901 *Army (Annual) Act* (1 Edw. 7, c. 2).
- 1909 *Army (Annual) Act* (9 Edw. 7, c. 3).
- 1910 *Army (Annual) Act* (10 Edw. 7, c. 6).
- 1911 *Army (Annual) Act* (1 Geo. 5, c. 3).
- 1912 *Army (Annual) Act* (2 Geo. 5, c. 5).
- 1913 *Army (Annual) Act* (3 & 4 Geo. 5, c. 2).
- 1914 *Army (Annual) Act* (4 Geo. 5, c. 2).
- 1915 *Army (Amendment) Act* (5 Geo. 5, c. 26).
- 1915 *Army (Amendment) No. 2 Act* (5 & 6 Geo. 5, c. 58).
- 1916 *Army (Annual) Act* (6 Geo. 5, c. 5).
- 1917 *Army (Annual) Act* (7 Geo. 5, c. 9).
- 1918 *Army (Annual) Act* (8 Geo. 5, c. 6).
- 1919 *Army (Annual) Act* (9 Geo. 5, c. 11).
- 1920 *Army & Air Force (Annual) Act* (10 Geo. 5, c. 7).
- 1921 *Army & Air Force (Annual) Act* (11 Geo. 5, c. 9).
- 1922 *Army & Air Force (Annual) Act* (12 Geo. 5, c. 6).
- 1923 *Army & Air Force (Annual) Act* (13 Geo. 5, c. 3).
- 1924 *Army & Air Force (Annual) Act* (14 Geo. 5, c. 5).
- 1925 *Army & Air Force (Annual) Act* (15 Geo. 5, c. 25).
- 1939—46 *Army & Air Force (Annual) Acts*.

These Annual Acts constitute the legal authority for the maintenance of the British Army. We are no longer concerned with them.

- (174) 1899 *Reserve Forces Act* (62 & 63 Vict., c. 40).

(See under 1882 Reserve Forces Act, *ante*).

- (175) 1900 *Colonial Solicitors Act* (63 & 64 Vict., c. 14).

This statute provides for the admission of a solicitor of a superior court in a British Possession, to be a solicitor of the Supreme Court of the U.K., on certain conditions.

This statute simply confers a privilege on India, which is not expected to be of much use since the abolition of appeals to the Privy Council from India.

- (176) 1900 *Merchant Shipping (Liability of Ship-owners and Others) Act* (63 & 64 Vict., c. 32).

(See 1894 Merchant Shipping Act, *ante*).

- (177) 1900 *Reserve Forces Act* (63 & 64 Vict., c. 42).

(See 1882 Reserve Forces Act, *ante*).

- (178) 1900 *Colonial Stock Act* (63 & 64 Vict., c. 62).

This Act amends the Trustee Act, 1893 so as to authorise a trustee to invest in colonial stock.

(See under 1893 Trustee Act, *ante*).

- (179) 1901 *Army (Annual) Act* (1 Edw. 7, c. 2).

(See 1899 Army (Annual) Act, *ante*).

(180) 1901 *Demise of the Crown Act* (1 Edw. 7, c. 5).

1901 *Royal Titles Act* (1 Ed. 7, c. 15).

Since the attainment of our republican status, we are not concerned with either of these two Acts.

(181) 1901 *East India Loan (G.I.P. Railway Debentures) Act* (1 Edw. 7, c. 25).

(See under 1811 E.I. Co. Bonds Act, *ante*).

(182) 1902 *Royal Naval Reserve Act* (2 Edw. 7, c. 5).

(See 1859 Royal Naval Reserve (Volunteer) Act, *ante*).

(183) 1902 *Mail Ships Act* (2 Edw. 7, c. 36).

(See 1891 Mail Ships Act, *ante*).

(184) 1905 *Ship-owners' Negligence (Remedies) Act* (5 Edw. 7, c. 10)

This statute authorises a Court in England or Ireland to detain a non-British ship against which there is a claim for damages for personal injuries caused by negligence (*i.e.*, for tort).

A similar provision may be included in our proposed Indian law relating to merchant shipping.

(See under 1894 Merchant Shipping Act, *ante*).

(185) 1905 *Medical Act* (1886) *Amendment Act* (5 Edw. 7, c. 14).

(See under 1886 Medical Act, *ante*).

(186) 1905 *Trade Marks Act* (5 Edw. 7, c. 15).

1914 *Trade Marks Act* (4 & 5 Geo. 5, c. 16).

1919 *Trade Marks Act* (9 & 10 Geo. 5, c. 79).

These Acts have been replaced by the consolidating Trade Marks Act, 1938, 1 and 2 Geo. 6, c. (see *post*).

(187) 1905 *East India Loans (Railways) Act* (5 Edw. 7, c. 19).

(See under 1811 E.I. Co. Bonds Act, *ante*).

(188) 1906 *Seamen's and Soldiers' False Characters Act* (6 Edw. 7, c. 5).

It relates to the British Defence Forces and does not concern us.

(189) 1906 *Reserve Forces Act* (6 Edw. 7, c. 11).

(See 1882 Reserve Forces Act, *ante*).

(190) 1906 *Extradition Act* (6 Edw. 7, c. 15).

(See 1870 Extradition Act, *ante*).

(191) 1906 *Marriage with Foreigners Act* (6 Edw. 7, c. 40).

This statute regulates the marriages of British subjects with foreigners abroad and of foreigners with British subjects in the U.K.

Obviously, this statute is no longer of any interest to us.

We have got, an Indian enactment, viz., the Indian Foreign Marriage Act (XIV of 1903), which has only a limited scope. A comprehensive bill viz., the Foreign Marriage Bill, for regulating marriages of Indian citizens with foreigners abroad, has already been referred by the Law Ministry to the Commission and the Commission will take up that subject in due course.

(192) 1906 *Merchant Shipping Act* (6 Edw. 7, c. 48).

(See 1894 *Merchant Shipping Act*, ante).

(193) 1907 *Territorial and Reserve Forces Act* (7 Edw. 7, c. 9).

(See *Reserve Forces Act*, 1900, ante).

(194) 1907 *Evidence (Colonial Statutes) Act* (7 Edw. 7, c. 16).

This statute provides that the copy of any statute or statutory instrument of any British Possession purporting to be printed by the Government printer of that Possession, shall be admitted in any Court in the U.K., without any proof being given that the copy was in fact printed by the Government printer.

It also penalises the printing of such copies by unauthorised persons, pretending that the copies have been printed by the Government printer.

This is a statute which relates to proceedings in the Courts of the U.K. It calls for no action on our part.

(195) 1907 *Commissioners for Oaths (Prize Proceedings) Act* (7 Edw. 7, c. 25).

This statute amended the Commissioners of Oaths Act, 1889 for the purpose of administering oaths in Prize Courts.

But this statute has been repealed by s. 1(5) of *Evidence and Powers of Attorney Act*, 1940 (3 and 4 Geo. 6, c. 28), which applies to India. Hence, nothing remains to be done.

(196) 1907 *Deceased Wife's Sister's Marriage Act* (7 Edw. 7, c. 47).

This statute legalises the marriage of a man with his deceased wife's sister and other relations. There is no need of keeping this statute on our statute book. Where the parties to a marriage in India are governed by any foreign system of personal law, that law will govern the marriage and no special provision regarding English law is necessary.

(197) 1907 *Merchant Shipping Act* (7 Edw. 7, c. 52).

(See 1894 *Merchant Shipping Act*, ante).

(198) 1908 *Post Office Act* (8 Edw. 7, c. 48).

The main operative provision, now extant, is that contained in s. 87 which says that when arrangements have been made between the U.K. and any other country for the transmission of money orders, the provisions of this statute shall be applicable to such money order as is consistent with the tenor thereof.

It is presumed that there is such an arrangement between the U.K. and India. If so, an appropriate provision may, *prima facie*, be included in our Post Office Act, 1898 in order to obviate the necessity of referring to the English statute.

(199) 1908 *Statute Law Revision Act* (8 Edw. 7, c. 49).

(See 1898 *Statute Law Revision Act*, *ante*).

(200) 1908 *Appellate Jurisdiction Act* (8 Edw. 7, c. 51).

(See 1895 *Judicial Committee Amending Act*, *ante*).

(201) 1908 *East India Loans Act* (8 Edw. 7, c. 54).

This has been repealed by 1 Edw. 8 and 1 Geo. 6, c. 14.

(See under 1811 E.I. Co. Bonds Act).

(202) 1909 *Army (Annual) Act* (9 Edw. 7, c. 3).

(See 1899 *Army (Annual) Act*, *ante*).

(203) 1909 *Naval Establishments in British Possessions Act* (9 Edw. 7, c. 18).

This statute authorises the Crown to transfer naval establishments in any British Possession to the Governor thereof.

Obviously, this has no further applicability to India.

(204) 1902 *Naval Discipline Act* (9 Edw. 7, c. 14).

This is, in substance, an amending statute.

(See under 1866 *Naval Discipline Act*, *ante*).

(205) 1910 *East India Loans (Railways and Irrigation) Act* (10 Edw. 7, c. 5).

(See under 1811 E.I. Co. Bonds Act, *ante*).

(206) 1910 *Army (Annual) Act* (10 Edw. 7, c. 6).

(See 1899 *Army (Annual) Act*, *ante*).

(207) 1910 *Accession Declaration Act* (10 Edw. 7 & 1 Geo. 5, c. 29)

This statute provides the form of declaration required to be made by the English Sovereign on accession.

We are no longer interested in this statute.

(See under 1901 *Demise of the Crown Act*, *ante*).

(208) 1910 *Registration of Births, Deaths and Marriages (Scotland) Amendment Act* (10 Edw. 7 & 1 Geo. 5, c. 32).

(See under 1854 *Registration of Births, Deaths and Marriages (Scotland) Act*, *ante*).

(209) 1911 *Army (Annual) Act* (1 Geo. 5, c. 3).

(See 1899 *Army (Annual) Act*, *ante*).

(210) 1911 *Merchant Shipping (Seamen's Allotment) Act* (1 & 2 Geo. 5, c. 8).

(See under 1894 *Merchant Shipping Act*, ante).

(211) 1911 *Parliament Act* (1 & 2 Geo. 5, c. 13).

This Act regulates the relationship between the two Houses of the British Parliament and allied matters.

We are no longer concerned with it.

(212) 1911 *Geneva Convention Act* (1 & 2 Geo. 5, c. 20).

This statute was enacted to implement the provisions of the Second Geneva Convention, prohibiting the use of the emblem of Red Cross while on white ground.

Since, presumably, we have no objection to the continuance of the obligations imposed by this Convention, we may have the provisions of this statute incorporated into a law of our own.

(213) 1911 *Official Secrets Act* (1 & 2 Geo. 5, c. 28).

We have got our own Official Secrets Act (XIX of 1923).

By the Official Secrets (India) Order in Council, 1923, the operation of the English statute in India has been suspended so long as the Indian Official Secrets Act, 1923, remains in force.

It is of little meaning, therefore, to keep the English statute on our statute book.

(214) 1911 *Merchant Shipping Act* (1 & 2 Geo. 5, c. 42).

(See 1894 *Merchant Shipping Act*, ante).

(215) 1911 *Copyright Act* (1 & 2 Geo. 5, c. 46).

The Copyright Bill, 1955, now pending in our Parliament, seeks to repeal the British statute of 1911. (See cl. 82).

(216) 1911 *Maritime Conventions Act* (1 & 2 Geo. 5, c. 57).

(See under 1894 *Merchant Shipping Act*, ante).

(217) 1912 *Army (Annual) Act* (2 & 3 Geo. 5, c. 5).

(See 1899 *Army (Annual) Act*, ante).

(218) 1912 *Marriages in Japan (Validity) Act* (2 & 3 Geo. 5, c. 15).

This statute provides for the validation of certain marriages of British subjects solemnized in the Empire of Japan before the passing of this statute, as if they had been solemnized within the British Dominions.

It has little practical utility for us.

(219) 1913 *Army (Annual) Act* (3 & 4 Geo. 5, c. 2).

(See 1899 *Army (Annual) Act*, ante).

(220) 1913 *Post Office Act* (3 & 4 Geo. 5, c. 11).

This statute enables newspapers published in the British Dominions to be registered in England as "registered newspapers" under the Post Office Act, 1908.

This statute merely confers a privilege upon India in England. The Ministry concerned may, however, consider this statute along with other postal arrangements between India and the U.K.

(221) 1913 *Foreign Jurisdiction Act* (3 & 4 Geo. 5, c. 16).

(See under the *Foreign Jurisdiction Act*, 1890, *ante*).

(222) 1913 *Appellate Jurisdiction Act* (3 & 4 Geo. 5, c. 21).

1915 *Judicial Committee Act* (5 & 6 Geo. 5, c. 92).

(See under 1833 *Judicial Committee Act*, *ante*).

(223) 1914 *Aliens Restriction Act* (4 & 5 Geo. 5, c. 12).

1919 *Aliens Restriction (Amendment) Act* (9 & 10 Geo. 5, c. 92).

These statutes authorise the British Crown to impose restrictions upon the immigration of aliens into the U.K., in times of emergency or national danger.

It is obvious that these statutes are of no use to us now. Our *Foreigners Act* (XXXI of 1946) empowers the Government of India to impose restrictions upon the entry of foreigners into India. If further power for periods of emergency is required, we may amend it, just as has been done recently.

(224) 1914 *Prize Courts (Procedure) Act* (4 & 5 Geo. 5, c. 13).

(See under 1866 *Indian Prize Money Act*, *ante*).

(225) 1914 *Trade Marks Act* (4 & 5 Geo. 5, c. 16).

(See under 1905 *Trade Marks Act*, *ante*).

(226) 1914 *British Nationality & Status of Aliens Act* (4 & 5 Geo. 5, c. 17).

1918 *British Nationality & Status of Aliens Act* (8 & 9 Geo. 5, c. 38).

1922 *British Nationality & Status of Aliens Act* (12 & 13 Geo. 5, c. 44).

1943 *British Nationality & Status of Aliens Act* (6 & 7 Geo. 6, c. 14).

These statutes have been repealed by s. 19(1) of our *Citizenship Act*, 1955 (VII of 1955).

So nothing remains to be done.

(227) 1914 *Army (Supply of Food, Forage & Stores) Act* (4 & 5 Geo. 5, c. 26).

This statute empowers the British Crown to requisition carriages, horses etc. in case of emergency.

Needless to say, it is of no use to us now.

(228) 1914 *Merchant Shipping (Certificates) Act* (4 & 5 Geo. 5, c. 42).

(See under 1894 Merchant Shipping Act, *ante*).

(229) 1914 *Superannuation Act* (4 & 5 Geo. 5, c. 86).

(See *Superannuation Act*, 1834, *ante*).

(230) 1914 *Navy (Pledging of Certificates) Act* (4 & 5 Geo. 5, c. 89).

This statute applies a certain section of the *British Army Act* to the *British Navy*.

It is of no use to us.

(231) 1915 *Army (Amendment) Act* (5 Geo. 5, c. 26).

(See 1899 *Army (Annual) Act*, *ante*).

(232) 1915 *Naval Discipline Act* (5 Geo. 5, c. 30).

1915 *Naval Discipline (No. 2) Act* (5 & 6 Geo. 5, c. 73).

1917 *Naval Discipline Act* (7 & 8 Geo. 5, c. 34).

These statutes amend the *Naval Discipline Act*, 1866. (See *ante*).

(233) 1915 *Copyright (British Museum) Act* (5 & 6 Geo. 5, c. 38).

This Act amends the *Copyright Act*, 1911 with respect to the delivery of books to the *British Museum*. We are no longer interested in this.

(234) 1915 *Fugitive Offenders (Protected States) Act* (5 & 6 Geo. 5, c. 39).

This Act extended the *Fugitive Offenders Act*, 1881 to the *British Protectorates*. We have no concern with this now.

(235) 1915 *Marriage of British Subjects (Facilities) Act* (5 & 6 Geo. 5, c. 40).

1916 *Marriage of British Subjects (Facilities) Amendment Act* (6 & 7 Geo. 5, c. 21).

These statutes were enacted to facilitate the marriage of *British subjects resident in the U.K.* and *British subjects resident in other parts of His Majesty's Dominions*.

We have no interest in them.

(236) 1915 *Prize Courts Act* (5 & 6 Geo. 5, c. 57).

(See 1866 *Indian Prize Money Act*, *ante*).

(237) 1915 *Army (Amendment) No. 2 Act* (5 & 6 Geo. 5, c. 58).

(See 1899 *Army (Annual) Act*, *ante*).

(238) 1915 *Government of India Act* (5 & 6 Geo. 5, c. 61).

(See 1833 *Government of India Act*, *ante*).

(239) 1915 *Naval Discipline (No. 2) Act* (5 & 6 Geo. 5, c. 73).

(See 1915 *Naval Discipline Act*, *ante*).

(240) 1915 *Judicial Committee Act* (5 & 6 Geo. 5, c. 92).

(See 1833 *Judicial Committee Act*, *ante*).

(241) 1916 *Naval Prize (Procedure) Act* (6 Geo. 5, c. 2).

This is a supplementary enactment.

(See *Naval Prize Act*, 1864, *ante*).

(242) 1916 *Imperial Institute (Management) Act* (6 Geo. 5, c. 8).

This Act provided for the transfer of the management of the Imperial Institute from the Board of Trade to the Colonial Office.

We have no concern with this statute.

(243) 1916 *Marriage of British Subjects (Facilities) Amendment Act* (6 & 7 Geo. 5, c. 21).

(See principal Act of 1915, *ante*).

(244) 1916 *Government of India Amendment Act* (6 & 7 Geo. 5, c. 37).

This Act, except sections 6 and 8, has been repealed by the Government of India Act, 1935.

Section 8 deals with the Short Title of the Act.

Sub-section (1) of Section 6 provides for the mode of transfer of 'India Stock'. Sub-sections (2) and (3) empower the Banks of England and Ireland to make regulations in this behalf. So far as sub-sections (2) and (3) are concerned, we have plainly no interest.

Sub-section (1) of section 6 may be useful to us, only if there are any holders of India stock in India now.

(245) 1916 *Merchant Shipping (Salvage) Act* (6 & 7 Geo. 5, c. 41).

This Act has been repealed by 5 and 4 Geo. 6, c. 43, which statute applied to India. Hence, nothing need be done.

(246) 1917 *Naval Discipline Act* (7 & 8 Geo. 5, c. 34).

(See 1915 *Naval Discipline Act*, *ante*).

(247) 1917 *Air Force (Constitution) Act* (7 & 8 Geo. 5, c. 51).

This deals with the constitution of the British Air Force and we are not interested in it.

(248) 1918 *Army (Annual) Act* (8 Geo. 5, c. 5).

(See 1899 *Army (Annual) Act*, *ante*).

(249) 1918 *British Nationality and Status of Aliens Act* (8 & 9 Geo. 5, c. 38).

(See 1914 *British Nationality & Status of Aliens Act*, *ante*).

(250) 1918 *Termination of the Present War (Definition) Act* (8 & 9 Geo. 5, c. 59).

This provided for the termination of the First World War. Obviously, this is of no use to us now.

(251) 1919 *Army (Annual) Act* (9 Geo. 5, c. 11).

(See 1899 *Army (Annual) Act*, *ante*).

(252) 1919 *Treaty of Peace Act* (9 & 10 Geo. 5, c. 33).

1920 *Treaty of Peace (Austria & Bulgaria) Act* (10 Geo. 5, c. 6).

1921 *Treaty of Peace (Hungary) Act* (11 & 12 Geo. 5, c. 11).

1924 *Treaty of Peace (Turkey) Act* (14 Geo. 5, c. 7).

These statutes empowered the British Crown to take administrative steps to implement the Peace Treaty at Versailles (First World War).

They are of no use to us now.

(253) 1919 *Merchant Shipping (Wireless Telegraphy) Act* (9 & 10 Geo. 5, c. 38).

(See 1894 *Merchant Shipping Act*, ante).

(254) 1919 *British Mercantile Marine Uniform Act* (9 & 10 Geo. 5, c. 62).

This Act provides for the uniform to be worn by the British Mercantile Marine.

Obviously, it is not necessary for our purposes.

(255) 1919 *Trade Marks Act* (9 & 10 Geo. 5, c. 79).

(See under 1905 *Trade Marks Act*, ante).

(256) 1919 *Aliens Restriction (Amendment) Act* (9 & 10 Geo. 5, c. 92).

(See 1914 *Aliens Restriction Act*, ante).

(257) 1919 *Government of India Act* (9 & 10 Geo. 5, c. 101).

(See under 1833 *Government of India Act*, ante).

(258) 1920 *Treaty of Peace (Austria and Bulgaria) Act* (10 Geo. 5, c. 6).

(See 1919 *Treaty of Peace Act*, ante).

(259) 1920 *Army and Air Force (Annual) Act* (10 Geo. 5, c. 7).

(See 1913 *Army (Annual) Act*, ante).

(260) 1920 *Overseas Trade (Credits & Insurance) Act* (10 & 11 Geo. 5, c. 29).

1921 *Overseas Trade (Credits & Insurance) Amendment Act* (11 & 12 Geo. 5, c. 26).

1921 *Trade Facilities Act* (11 & 12 Geo. 5, c. 65).

1922 *Trade Facilities & Loans Guarantee Act* (13 Geo. 5, c. 4).

1924 *Trade Facilities Act* (14 & 15 Geo. 5, c. 15).

1925 *Trade Facilities Act* (15 Geo. 5, c. 13).

1926 *Trade Facilities Act* (16 & 17 Geo. 5, c. 3).

These statutes empowered the Board of Trade to grant credits and undertake insurances etc. for the purposes of re-establishing trade (after World War I) between the U.K. and any other country.

We have no concern with these statutes.

(261) 1920 *Maintenance Orders (Facilities for Enforcement) Act* (10 & 11 Geo. 5, c. 33).

This statute provides for the enforcement in the U.K. of maintenance orders made by any court in any part of "His Majesty's dominions outside the U.K."

The statute will remain enforceable in the U.K. even if we remove it from our statute book.

(262) 1920 *Indemnity Act* (10 & 11 Geo. 5, c. 48).

This Act was passed to confer indemnity against wrongful acts done by public servants during World War I. It has long served its purpose and we do not require it.

(263) 1921 *Army & Air Force (Annual) Act* (11 Geo. 5, c. 9).

(See 1899 *Army (Annual) Act*, *ante*).

(264) 1921 *Treaty of Peace (Hungary) Act* (11 & 12 Geo. 5, c. 11).

(See 1919 *Treaty of Peace Act*, *ante*).

(265) 1921 *Importation of Plumage (Prohibition) Act* (11 & 12 Geo. 5, c. 16).

This is a customs law of the U.K. prohibiting the import of plumage. We have no concern with it.

(266) 1921 *Indian Divorces (Validity) Act* (11 & 12 Geo. 5, c. 18).

This Act validated certain decrees for divorce made under the Indian Divorce Act, 1869, prior to the passing of this statute, even though the parties thereto were domiciled in England and not in India.

Prima facie, this statute has already served its purpose.

(267) 1921 *Deceased Brother's Widow's Marriage Act* (11 & 12 Geo. 5, c. 24).

This Act amends the Deceased Wife's Sister's Marriage Act, 1907, to include other relations. The same considerations apply to both Acts.

(268) 1921 *Overseas Trade (Credits and Insurance) Amendment Act* (11 & 12 Geo. 5, c. 26).

(See 1920 *Overseas Trade (Credits and Insurance) Act*, *ante*).

(269) 1921 *Merchant Shipping Act* (11 & 12 Geo. 5, c. 28).

This is an Amending Act. (See under principal Act of 1894, *ante*).

(270) 1921 *Territorial Army and Military Act* (11 & 12 Geo. 5, c. 37).

This is another statute relating to the British Army and is not necessary for our purposes.

(271) 1921 *Trade Facilities Act* (11 & 12 Geo. 5, c. 65).

(See under 1920 *Overseas Trade (Credits and Insurance) Act*, *ante*).

(272) 1922 *Army & Air Force (Annual) Act* (12 Geo. 5, c. 6).

(See 1899 *Army (Annual) Act*, *ante*).

(273) 1922 *E.I. Loans (Railway & Irrigation) Act* (12 Geo. 5, c. 9).

It has been already repealed by 1 Edw. 8 & 1 Geo. 6, c. 14,—a statute which applied to India.

Hence, nothing remains to be done.

(274) *Empire Settlement Act* (12 & 13 Geo. 5, c. 13).

This Act empowered the British Secretary of State to co-operate in schemes for the settlement of persons in the U.K. who intend to settle in any of the British Dominions.

We have nothing to do with this.

(275) 1922 *Indian High Courts Act* (12 & 13 Geo. 5, c. 20).

Already repealed by the Government of India Act, 1935.

(276) 1922 *Naval Discipline Act* (12 & 13 Geo. 5, c. 37).

This is an Amending Act.

(See under the principal Act, viz., 1866 *Naval Discipline Act*, ante).

(277) 1922 *British Nationality & Status of Aliens Act* (12 & 13 Geo. 5, c. 44).

(See under the principal Act of 1914, ante).

(278) 1922 *Trade Facilities & Loans Guarantee Act* (13 Geo. 5, c. 4).

(See 1920 *Overseas Trade (Credits and Insurance) Act*, ante).

(279) 1923 *Army & Air Force (Annual) Act* (13 Geo. 5, c. 3).

(See 1899 *Army (Annual) Act*, ante).

(280) 1923 *Fees (Increase) Act* (13 Geo. 5, c. 4).

This Act increases certain fees payable under the *Merchant Shipping Act, 1894*.

The observations made in connection with the *Merchant Shipping Act, 1894* will also apply to this Act.

(281) 1923 *Matrimonial Causes Act* (13 & 14 Geo. 5, c. 19).

This is an amending statute. It is curious to note that the principal Act, viz., the *Matrimonial Causes Act, 1857* itself is not included in the Collection of Statutes applicable to India.

Anyway, the Act of 1923 has been repealed in England by 15 & 16 Geo. 5, c. 49 (*Supreme Court of Judicature Act, 1925*) Sch. 6. and we do not require it.

(282) 1923 *East India Loans Act* (13 & 14 Geo. 5, c. 31).

(See 1811 *East India Co. Bonds Act*, ante).

(283) 1924 *Merchant Shipping Acts (Amendment) Act* (13 & 14 Geo. 5, c. 40).

(See 1894 *Merchant Shipping Act*, ante).

(284) 1924 *Army & Air Force (Annual) Act* (14 Geo. 5, c. 5).

(See 1899 *Army (Annual) Act*, ante).

(285) 1924 *Treaty of Peace (Turkey) Act* (14 Geo. 5, c. 7).

(See 1919 *Treaty of Peace Act*, ante).

(286) 1924 *Trade Facilities Act* (14 & 15 Geo. 5, c. 8).

(See 1920 *Overseas Trade (Credits and Insurance) Act*, ante).

(287) 1924 *Auxiliary Air Force & Air Force Reserve Act* (14 & 15 Geo. 5, c. 15).

This statute also relates to the English Army and Air Force, with which we are no longer concerned.

(288) 1924 *Carriage of Goods by Sea Act* (14 & 15 Geo. 5, c. 22).

This statute was enacted to implement in the U.K., the Convention agreed to at the International Conference on Maritime Law, held at Brussels in 1922, for achieving uniformity in the law relating to bills of lading and the Schedule to the statute contains the Rules adopted at the Convention, as applied to the carriage of goods from any port in Great Britain to any other port in or outside Great Britain.

By enacting the Indian Carriage of Goods by Sea Act (XXVI of 1925), India has herself implemented the Convention and applied the Rules to the carriage of goods by sea from any port in India to any other port whether in or outside India. The contents of the two Acts are otherwise similar. Hence, the English statute is no longer of any use to us.

Incidentally, it may be pointed out that the Indian Act has practically been rendered ineffective by judicial decisions to the effect that the Rules in the Schedule of the Act would apply only if the bill of lading itself makes the Rules expressly applicable. In view of this, the Act requires to be suitably amended.

(289) 1924 *Government of India (Leave of Absence) Act* (14 & 15 Geo. 5, c. 28).

This has been already repealed by the Government of India Act, 1935, 26 Geo. 5, c. 2.

(290) 1924 *Expiring Laws Continuance Act* (15 Geo. 5, c. 1).

1925 *Expiring Laws Act* (15 & 16 Geo. 5, c. 76).

1939 *Expiring Laws Continuance Act* (3 & 4 Geo. 6, c. 1).

1940 *Expiring Laws Continuance Act* (4 & 5 Geo. 6, c. 2).

1941 *Expiring Laws Continuance Act* (5 & 6 Geo. 6, c. 3).

1943 *Expiring Laws Continuance Act* (7 & 8 Geo. 6, c. 1).

1944 *Expiring Laws Continuance Act* (8 & 9 Geo. 6, c. 2).

1946 *Expiring Laws Continuance Act* (10 & 11 Geo. 6, c. 1).

These statutes continued the Aliens Restriction (Amendment) Act, 1919, in its application to India, until 1926.

They have long served their purpose and have been repealed by the Statute Law Revision Act, 14 Geo. 6, c. 6.

(291) 1925 *Trade Facilities Act* (15 Geo. 5, c. 13).

(See 1920 *Overseas Trade (Credits and Insurance) Act*, ante).

(292) 1925 *Army and Air Force (Annual) Act* (15 Geo. 5, c. 25).

(See 1899 *Army (Annual) Act*, ante).

- (293) 1925 *Merchant Shipping (Equivalent Provisions) Act* (15 & 16 Geo. 5, c. 37).

This is a statute supplemental in nature to the *Merchant Shipping Act, 1894*. (See that Act, ante).

- (294) 1925 *Expiring Laws Act* (15 & 16 Geo. 5, c. 76).

(See 1924 *Expiring Laws Act*, ante).

- (295) 1925 *Government of India (Civil Services) Act* (15 & 16 Geo. 5, c. 83).

This has been already repealed by the *Government of India Act, 1935*.

- (296) 1925 *Workmen's Compensation Act* (15 & 16 Geo. 5, c. 84).
 1927 *Workmen's Compensation (Transfer of Funds) Act* (17 & 18 Geo. 5, c. 15).
 1930 *Workmen's Compensation (Silicosis & Asbestosis) Act* (20 & 21 Geo. 5, c. 29).
 1931 *Workmen's Compensation Act* (21 & 22 Geo. 5, c. 13).
 1940 *Workmen's Compensation (Supplementary Allowance) Act* (3 & 4 Geo. 6, c. 47).
 1943 *Workmen's Compensation Act* (6 & 7 Geo. 6, c. 6).
 1943 *Workmen's Compensation (Temporary Increases) Act* (6 & 7 Geo. 6, c. 49).
 1945 *Workmen's Compensation (Pneumoconiosis) Act* (9 & 10 Geo. 6, c. 16).

In the U.K., these statutes have been replaced by the *National Insurance (Industrial Injuries) Act, 1946*.

So far as India is concerned, the law on the subject is contained in the *Workmen's Compensation Act* (VIII of 1923) and the *Employees' State Insurance Act* (XXXIV of 1948). If any improvement is needed, we may make necessary amendments in these two Acts.

The English statutes are not necessary for our purposes.

- (297) 1926 *Trade Facilities Act* (16 & 17 Geo. 5, c. 3).

(See 1920 *Overseas Trade (Credits and Insurance) Act*, ante).

- (298) 1926 *Imperial War Graves Endowment Fund Act* (16 & 17 Geo. 5, c. 14).

This statute provides for the constitution of an *Imperial War Graves Endowment Fund*. It appears from the Preamble that the Government of India agreed to contribute to that Fund.

If we are to continue to be bound by that obligation, we may very well enact a law of our own giving proper legislative sanction to the entire arrangement.

- (299) 1926 *Secretaries of State Act* (16 & 17 Geo. 5, c. 18).

This statute provided for the transfer of the powers of the *Secretary of State for Scotland* to one of the principal *Secretaries of State* for the U.K. We are not interested in this.

- (300) 1926 *Chartered Associations (Protection of Names and Uniforms) Act* (16 & 17 Geo. 5, c. 26).

This statute provides for the protection of the names, etc. of associations incorporated by royal Charter.

It is for consideration of the appropriate Ministry whether special treatment should be continued to be accorded to associations incorporated in England.

(301) 1926 *Indian & Colonial Divorce Jurisdiction Act* (16 & 17 Geo. 5, c. 40).

1940 *Indian & Colonial Divorce Jurisdiction Act* (3 & 4 Geo. 6, c. 35).

This statute (as amended in 1940) gives jurisdiction to the High Courts in India to try matrimonial cases where parties thereto are British subjects domiciled in England or Scotland.

Apparently, this jurisdiction is still beneficial to those British subjects who are coming to India for business and the like. But it is striking that this jurisdiction of our High Courts is to be governed by rules made by the Secretary of State, with the concurrence of the Lord Chancellor [s. 1(4)].

If this jurisdiction is to be maintained, it should be settled with the Government of the U.K. that the jurisdiction should be governed solely by our laws, and then we may adopt the provisions of this statute with necessary modifications.

(302) 1927 *Royal and Parliamentary Titles Act* (17 & 18 Geo. 5, c. 4).
(See 1876 *Royal Titles Act*, ante).

(303) 1927 *Workmen's Compensation (Transfer of Funds) Act* (17 & 18 Geo. 5, c. 15).

(See *Workmen's Compensation Act*, 1925, ante).

(304) 1927 *Royal Naval Reserve Act* (17 & 18 Geo. 5, c. 18).

(See under 1859 *Royal Naval Reserve (Volunteer) Act*, ante).

(305) 1927 *Cinematograph Films Act* (17 & 18 Geo. 5, c. 29).

1938 *Cinematograph Films Act* (1 & 2 Geo. 6, c. 17).

These statutes relate to British films and their exhibition in the U.K.

We are not interested in them.

(306) 1927 *Indian Church Act* (17 & 18 Geo. 5, c. 40).

By this statute, the Church of England in India was separated from the Church of England and certain consequential provisions were made, mainly relating to proprietary rights.

It is for consideration of the Government whether this statute should not be replaced by an Indian law, in so far as that may be possible without offending the provisions of the Constitution.

(307) 1927 *Colonial Probates (Protected States and Mandated Territories) Act* (17 & 18 Geo. 5, c. 43).

We have no concern with the British Protected States or Mandated Territories.

(308) 1929 *Appellate Jurisdiction Act* (19 & 20 Geo. 5, c. 8).

(See 1887 *Appellate Jurisdiction Act*, *ante*).

(309) 1929 *Companies Act* (19 & 20 Geo. 5, c. 23).

This Act is a consolidating enactment relating to companies in the U.K., which has already been repealed in the U.K. by 11 and 12 Geo. 6, c. 38.

We also do not require it.

(310) 1930 *Workmen's Compensation (Silicosis & Asbestosis) Act* (20 & 21 Geo. 5, c. 29).

(See 1925 *Workmen's Compensation Act*, *ante*).

(311) 1931 *Workmen's Compensation Act* (21 & 22 Geo. 5, c. 18).

(See 1925 *Workmen's Compensation Act*, *ante*).

(312) 1932 *Merchant Shipping (Safety & Load Line Conventions) Act* (22 & 23 Geo. 5, c. 9).

This statute was enacted to give effect to the International Convention for the Safety of Life at Sea.

It is not known whether in the proposed Bill relating to Merchant Shipping, which is now under preparation, the provisions of all the British statutes relating to the subject are going to be incorporated.

If not, a separate Act may be made, incorporating relevant provisions, for implementing the Convention in India. Some of the sections of the British statute are either not necessary for our purposes or they require adaptation, e.g. ss. 7, 35, 36.

(313) 1932 *Extradition Act* (22 & 23 Geo. 5, c. 39).

(See under 1870 *Extradition Act*, *ante*).

(314) 1932 *Ottawa Agreements Act* (22 & 23 Geo. 5, c. 53).

This statute implements the agreements made at the Imperial Economic Conference held at Ottawa and provides for giving preferences in the matter of customs duties etc. for 'Empire products' which term includes products of India (S. 13(1), read with S. 8(2) of the Finance Act, 1919, 9 & 10 Geo. 5, c. 32).

Imperial preference is a reciprocal arrangement and if India desires to continue this preference for 'Empire products' on a reciprocal basis, it is possible to enact a law of our own, giving reference to the British statute.

(315) 1934 *Air Force Reserve (Pilots and Observers) Act* (24 & 25 Geo. 5, c. 5).

This is a statute relating to the English Air Force, and it is not required by us.

(316) 1935 *Superannuation Act* (25 & 26 Geo. 5, c. 23).

(See 1834 *Superannuation Act*, *ante*).

(317) 1935 *Finance Act* (25 & 26 Geo. 5, c. 24).

This imposed a customs duty for importation of rice into the U.K. There is no need for this Act so far as we are concerned.

- (318) 1935 *Government of India (Reprinting) Act* (26 Geo. 5 & 1 Edw. 8, c. 1).

This Act provided for reprinting of the Government of India Act, 1935, after separating the provisions relating to Burma from it.

This being a statute 'supplementing' the Government of India Act, 1935, has been repealed, by Art. 395 of the Constitution.

- (319) 1935 *Government of India Act, 1935* (26 Geo. 5 & 1 Edw. 8, c. 2).

(See 1833 *Government of India Act, ante*).

- (320) 1935 *Government of Burma Act* (26 Geo. 5 & 1 Edw. 8, c. 3).

Obviously, we have nothing to do with it.

- (321) 1936 *Merchant Shipping (Carriage of Munitions to Spain) Act* (1 Edw. 8 & 1 Geo. 6, c. 1).

This statute prohibited the transshipment, from the U.K. to Spain, of munitions and other articles of war. The U.K. herself has repealed it by 14 Geo. 6, c. 6. We do not require it.

- (322) 1936 *His Majesty's Declaration of Abdication Act* (1 Edw. 8 & 1 Geo. 6, c. 3).

We do not require it.

- (323) 1937 *India & Burma (Existing Laws) Act* (1 Geo. 6, c. 9).

1940 *India & Burma (Miscellaneous Amendments) Act* (3 & 4 Geo. 6, c. 5).

These Acts were passed as a sequel to the separation of the Government of Burma Act from the Government of India Act and they may be regarded as 'supplemental' to the Government of India Act, 1935, within the meaning of Art. 395 of the Constitution.

In any case, we have no need for them now.

- (324) 1937 *East India Loans Act* (1 Edw. 8 & 1 Geo. 6, c. 14).

This statute authorised the Secretary of State for India to borrow in sterling on behalf of the Governor-General in Council during the period while Part XIII of the Government of India Act relating to the Transitional Provisions applied.

There is no need to keep this Act on our statute-book now.

- (325) 1937 *Geneva Convention Act* (1 Edw. 8 & 1 Geo. 6, c. 15).

This Act was enacted to give effect to Art. 28 of the International Convention at Geneva for the amelioration of the condition of the wounded in armies in the field.

S. 1 is relevant for our purposes. If this is sought to be retained, we may enact a law of our own with necessary adaptations.

- (326) 1937 *Regency Act* (1 Edw. 8 & 1 Geo. 6, c. 16).

1943 *Regency Act* (6 & 7 Geo. 6, c. 42).

These statutes refer to the functions of the British sovereign with which we are no longer concerned.

(327) 1937 *Reserve Forces Act* (1st Edw. 8 & 1 Geo. 6, c. 17).

(See under 1882 *Reserve Forces Act*, *ante*).

(328) 1937 *Empire Settlement Act* (1 Edw. 8 & 1 Geo. 6, c. 18).

It amends the *Empire Settlement Act*, 1922.

(See that principal Act, *ante*).

(329) 1937 *Merchant Shipping (Spanish Frontiers Observation) Act*
(1 Edw. 8 & 1 Geo. 6, c. 19).

This statute provided that any British ship which is bound for Spanish territory must proceed to some observing officers at the prescribed place.

It has been repealed in the U.K. by the Statute Law Revision Act, 1950, 14 Geo. 6, c. 6.

In all probability, it is also not required for our purposes.

(330) 1937 *Merchant Shipping Act* (1 Edw. 8 & 1 Geo. 6, c. 23).

It is supplemental to the *Merchant Shipping (Safety and Load Line Conventions) Act*, 1932. (See that principal Act, *ante*).

(331) 1937 *Merchant Shipping (Superannuation Contributions) Act*
(1 Geo. 6, c. 4).

(See 1894 *Merchant Shipping Act*, *ante*).

(332) 1938 *Cinematograph Films Act* (1 & 2 Geo. 6, c. 17).

(See 1927 *Cinematograph Films Act*, *ante*).

(333) 1938 *Trade Marks Act* (1 & 2 Geo. 6, c. 22).

The Indian law as to trade marks is contained in our *Trade Marks Act* (V of 1940).

Already we have in our Act some provisions for the protection of British interests. Thus section 69 prohibits the use of any trade mark resembling the Royal Arms. Further, s. 83 provides for the protection of trade marks registered in other countries, on a reciprocal basis. There is no obvious reason why, over and above these provisions, the British statute should be needed now.

(334) 1939 *Prevention of Fraud (Investments) Act* (2 & 3 Geo. 6, c. 16).

The relevant provision of this Act merely provides that a certain section of the *English Companies Act* shall cease to have effect from an appointed day.

It is not required for our purposes.

(335) 1939 *Army & Air Force (Annual) Act* (2 & 3 Geo. 6, c. 17).

(See 1899 *Army (Annual) Act*, *ante*).

(336) 1939 *Reserve & Auxiliary Forces Act* (2 & 3 Geo. 6, c. 24).

This statute relates to the employment of the British Armed Forces for the defence of the U.K. It has been repealed in the U.K. by the Statute Law Revision Act, 14 Geo. 6, c. 6 and we, too, do not require it.

(337) 1939 *Marriage (Scotland) Act* (2 & 3 Geo. 6, c. 34).

This statute relates to marriage in Scotland which is of no concern to us.

(338) 1939 *Finance Act* (2 & 3 Geo. 6, c. 41).

The relevant provision of this Act gives effect to the Trade Agreement entered into between the U.K. and India on the 20th March, 1939.

It is proper that we should enact a law of our own giving effect to this agreement in our country so that we may dispense with the English statute.

(339) 1939 *Emergency Powers (Defence) Act* (2 & 3 Geo. 6, c. 62).

1940 *Emergency Powers (Defence) Act* (3 & 4 Geo. 6, c. 20).

1940 *Emergency Powers (Defence) No. 2 Act* (3 & 4 Geo. 6, c. 45).

The principal Act was passed by Parliament to meet the emergency caused by the outbreak of the Second World War. The Act has served its purpose and has expired even in England¹. The Act of 1940 is an amending Act.

They are not required for our purposes.

(340) 1939 *Prize Act* (2 & 3 Geo. 6, c. 65).

This statute applied the naval prize laws to aircraft.

We have not yet enacted any law relating to this subject. As pointed out under 1864 Naval Prize Act, *ante*, we should now make a comprehensive prize law of our own.

(341) 1939 *Government of India (Amendment) Act* (2 & 3 Geo. 6, c. 66).

This has been already repealed by Art. 395 of the Constitution, along with the Government of India Act, 1935.

(342) 1939 *Armed Forces (Conditions of Service) Act* (2 & 3 Geo. 6, c. 68).

This is another Emergency law, enacted by the British Parliament on the eve of the Second World War. We do not require it.

(343) 1939 *Ships & Aircraft (Transfer Restriction) Act* (2 & 3 Geo. 6, c. 70).

This statute relates to British ships and aircrafts and is of no concern to us.

(344) 1939 *Trading with the Enemy Act* (2 & 3 Geo. 6, c. 89).

This statute penalises trading with the 'enemy' at war with His Majesty.

In India, we had similar provisions incorporated into the Defence of India Rules framed under the Defence of India Act, 1939. Now, notwithstanding the repeal of the D. I. Act, the relevant rules of the

1. Halsbury's Laws of England, 3rd., Ed. Vol. 7, p. 380, f.n. (s).

D. I. Rules have continued to remain in operation by virtue of the Trading with the Enemy (Continuance of Emergency Provisions) Act (XVI of 1947). The English statute is, therefore, not necessary for our purposes.

- (345) 1939 *Patents, Designs, Copyright & Trade Marks (Emergency) Act* (2 & 3 Geo. 6, c. 107).

This statute provided, *inter alia*, for the continuance of existing licences under patents, designs and copyright of enemies and enemy subjects, notwithstanding the provisions of the Trading with the Enemy Act, 1939. The need for any such provision in India, at present, is not clear.

- (346) 1939 *Expiring Laws Continuance Act* (3 & 4 Geo. 6, c. 1).
 1940 *Expiring Laws Continuance Act* (4 & 5 Geo. 6, c. 2).
 1941 *Expiring Laws Continuance Act* (5 & 6 Geo. 6, c. 3).
 1943 *Expiring Laws Continuance Act* (7 & 8 Geo. 6, c. 1).
 1944 *Expiring Laws Continuance Act* (8 & 9 Geo. 6, c. 2).
 1946 *Expiring Laws Continuance Act* (10 & 11 Geo. 6, c. 1).

These Acts provided for the continuance of the Aliens Restriction Act, 1919 (see *ante*), for certain periods. They have been repealed by the Statute Law Revision Act, 14 Geo. 6, c. 6.

We do not require them.

- (347) 1940 *India & Burma (Miscellaneous Amendments) Act* (3 & 4 Geo. 6, c. 5).

(See 1937 *India & Burma (Existing Laws) Act*, *ante*).

- (348) 1940 *Army & Air Force Annual Act* (3 & 4 Geo. 6, c. 18).

(See 1939 *Army & Air Force Annual Act*, *ante*).

- (349) 1940 *Emergency Powers (Defence) Act* (3 & 4 Geo. 6, c. 20).

(See 1939 *Emergency Powers (Defence) Act*, *ante*).

- (350) 1940 *Treachery Act* (3 & 4 Geo. 6, c. 21).

This was a temporary measure, which was enacted at the outbreak of the Second World War, to supplement the law of treachery contained in the Treason Act, 1351. It applied only to acts done until February, 1946.

Treachery, according to this Act, is the doing of any act with intent to help enemy operations or to impede operations of His Majesty's Forces.

The first part of the above provision seems to be covered by the offence of abetment included in s. 121 of the I.P.C.

But if any such provision is needed, there is no reason why we should not incorporate it into our own law.

- (351) 1940 *Evidence & Powers of Attorney Act* (3 & 4 Geo. 6, c. 23).
 1943 *Evidence & Powers of Attorney Act* (6 & 7 Geo. 6, c. 18).

This was another war-time measure (amended in 1943) which expired with the expiry of the Emergency Powers (Defence) Act, 1939.

It empowered military officers to take affidavits on administering oaths during the period of the emergency.

We do not require it now.

(352) 1940 *India & Burma (Emergency Provisions) Act* (3 & 4 Geo. 6, c. 33).

This is an enactment which supplemented the Government of India Act, 1935, during the Second World War Emergency. It may be deemed to have been already repealed by Art. 395 of the Constitution.

(353) 1940 *Indian & Colonial Divorce Jurisdiction Act* (3 & 4 Geo. 6, c. 35).

(See 1926 *Indian & Colonial Divorce Jurisdiction Act*, ante).

(354) 1940 *Merchant Shipping (Salvage) Act* (3 & 4 Geo. 6, c. 43).

This Act replaces the Merchant Shipping (Salvage) Act of 1916.

(See under 1894 *Merchant Shipping Act*, ante).

(355) 1940 *Emergency Powers (Defence) No. 2 Act* (3 & 4 Geo. 6, c. 45).

(See principal Act of 1939, ante).

(356) 1940 *Workmen's Compensation (Supplementary Allowances) Act* (3 & 4 Geo. 6, c. 47).

(See 1925 *Workmen's Compensation Act*, ante).

(357) 1940 *Prolongation of Parliament Act* (3 & 4 Geo. 6, c. 53).

1941 *Prolongation of Parliament Act* (4 & 5 Geo. 6, c. 48).

1942 *Prolongation of Parliament Act* (5 & 6 Geo. 6, c. 37).

1943 *Prolongation of Parliament Act* (6 & 7 Geo. 6, c. 46).

1944 *Prolongation of Parliament Act* (7 & 8 Geo. 6, c. 45).

These temporary Acts relating to the British Parliament have expired, and we have no need for them.

(358) 1940 *Expiring Laws Continuance Act* (4 & 5 Geo. 6, c. 2).

(See 1939 *Expiring Laws Continuance Act*, ante).

(359) 1940 *Naval & Marine Forces (Temporary Release from Service) Act* (4 & 5 Geo. 6, c. 4).

This is a wartime measure relating to the British Navy.

It is not required for our purposes.

(360) *Army & Air Force (Annual) Act* (4 & 5 Geo. 6, c. 17).

(See under 1899 *Army (Annual) Act*, ante).

(361) 1941 *Naval Discipline (Amendment) Act* (4 & 5 Geo. 6, c. 29).
(See 1866 *Naval Discipline Act*, ante).

(362) 1941 *India & Burma (Postponement of Elections) Act* (4 & 5 Geo. 6, c. 44).

This is a statute which amended a provision of the Government of India Act, 1935 for the duration of the Second World War. It has long since expired.

(363) 1941 *Prolongation of Parliament Act* (4 & 5 Geo. 6, c. 48).
(See 1940 *Prolongation of Parliament Act*, ante).

(364) 1941 *Expiring Laws Continuance Act* (5 & 6 Geo. 6, c. 3).
(See 1939 Act, ante).

(365) 1942 *India (Federal Court Judges) Act* (5 & 6 Geo. 6, c. 48).

This Act amended the Government of India Act, 1935 for certain purposes. It must be deemed to have been repealed by Art. 395 of the Constitution.

(366) 1942 *Army & Air Force (Annual) Act* (5 & 6 Geo. 6, c. 15).
(See 1939 *Army & Air Force (Annual) Act*, ante).

(367) 1942 *Royal Naval Volunteer Reserve Act* (5 & 6 Geo. 6, c. 18).
(See under *Royal Naval Reserve (Volunteer) Act*, ante).

(368) 1942 *United States of America (Visiting Forces) Act* (5 & 6 Geo. 6, c. 31).

This Act gave effect to an agreement entered into between the Governments of the U.K. and the U.S.A. by defining the jurisdiction of the Courts in the U.K. over the Armed Forces of the U.S.A. which visited the U.K. during the last War.

We are not concerned with this.

(369) 1942 *Prolongation of Parliament Act* (5 & 6 Geo. 6, c. 37).
(See 1940 *Prolongation of Parliament Act*, ante)

(370) 1942 *India & Burma (Temporary Provisions) Act* (5 & 6 Geo. 6, c. 39).

This Act amended the Government of India Act, 1935 for certain purposes and may be deemed to have been repealed by Art. 395 of the Constitution.

(371) 1943 *Workmen's Compensation Act* (6 & 7 Geo. 6, c. 6).
(See 1925 *Workmen's Compensation Act*, ante).

(372) 1943 *British Nationality & Status of Aliens Act* (6 & 7 Geo. 6, c. 14).

(See under the Act of 1914, ante).

(373) 1943 *Army & Air Force (Annual) Act* (6 & 7 Geo. 6, c. 15).

(See under 1899 *Army (Annual) Act*, ante).

(374) 1943 *Evidence & Powers of Attorney Act* (6 & 7 Geo. 6, c. 18).

This amended the Act of 1940 relating to the same matters. (See *ante*).

(375) 1943 *Finance Act* (6 & 7 Geo. 6, c. 28).

This amended the Ottawa Agreements Act, 1932, for certain purposes. (See that Act, *ante*).

(376) 1943 *Foreign Service Act* (6 & 7 Geo. 6, c. 35).

This Act made certain provisions relating to the British Foreign Service. We are not interested in it.

(377) 1943 *Regency Act* (6 & 7 Geo. 6, c. 42).

(See 1937 *Regency Act*, *ante*).

(378) 1943 *Prolongation of Parliament Act* (6 & 7 Geo. 6, c. 46).

(See 1940 *Prolongation of Parliament Act*, *ante*).

(379) 1943 *Workmen's Compensation (Temporary Increases) Act* (6 & 7 Geo. 6, c. 49).

(See 1925 *Workmen's Compensation Act*, *ante*).

(380) 1943 *Expiring Laws Continuance Act* (7 & 8 Geo. 6, c. 1).

(See 1939 *Expiring Laws Continuance Act*, *ante*).

(381) 1944 *Prize Salvage Act* (7 & 8 Geo. 6, c. 7).

This is supplemental to the Naval Prize Act, 1864, and the comments made under that Act will apply.

(382) 1944 *Naval Forces (Extension of Service) Act* (7 & 8 Geo. 6, c. 13).

This is a wartime measure relating to the British Naval Forces, with which we are not concerned.

(383) 1944 *India (Attachment of States) Act* (7 & 8 Geo. 6, c. 14).

This has long served its purpose and has been repealed by the Statute Law Revision Act, 14 Geo. 6, c. 6.

(384) 1944 *Army & Air Force (Annual) Act* (7 & 8 Geo. 6, c. 18).

(See 1899 *Army (Annual) Act*, *ante*).

(385) 1944 *Finance Act* (7 & 8 Geo. 6, c. 23).

The relevant portion amended a provision of the Merchant Shipping Act, 1894, relating to certain duties.

(See under principal Act, *ante*).

(386) 1944 *India (Miscellaneous Provisions) Act* (7 & 8 Geo. 6, c. 38).

This amended the Government of India Act, 1935, in certain respects, and must be deemed to have been repealed by Art. 395 of the Constitution.

(387) 1944 *Matrimonial Causes (War Marriages) Act* (7 & 8 Geo. 6, c. 43).

This statute conferred jurisdiction upon the Courts in the U.K. over matrimonial causes in respect of marriages contracted during the War period. We are not concerned with the subject-matter of this statute.

(388) 1944 *Prolongation of Parliament Act* (7 & 8 Geo. 6, c. 45).

(See 1940 Act, *ante*).

(389) 1944 *Expiring Laws Continuance Act* (8 & 9 Geo. 6, c. 2).

(See 1939 *Expiring Laws Continuance Act*, *ante*).

(390) 1945 *India (Estate Duty) Act* (8 & 9 Geo. 6, c. 7).

This Act amended the Government of India Act, 1935, in respect of the legislative power regarding estate duty.

It may be deemed to have been repealed by Art. 395 of the Constitution.

(391) 1945 *Army & Air Force (Annual) Act* (8 & 9 Geo. 6; c. 22).

(See 1899 *Army (Annual) Act*, *ante*).

(392) 1945 *Indian Franchise Act* (9 Geo. 6, c. 22).

This amended the Government of India Act, 1935, for certain purposes. It must be deemed to have been repealed by Art. 395 of the Constitution.

(393) 1945 *Indian Divorce Act* (9 Geo. 6, c. 5).

This Act is supplemental to the Indian and Colonial Divorce Jurisdiction Act, 1940 which amended the Indian & Colonial Divorce Jurisdiction Act, 1926. (See that Act, *ante*).

(394) 1945 *Workmen's Compensation (Pneumoconiosis) Act* (9 & 10 Geo. 6, c. 16).

(See 1925 *Workmen's Compensation Act*, *ante*).

(395) 1945 *Bretton Woods Agreements Act* (9 & 10 Geo. 6, c. 19).

If India was a party to or is otherwise bound by the Bretton Woods Agreement, we may have a legislation of our own to implement the agreement.

(396) 1946 *India (Proclamations of Emergency) Act* (9 & 10 Geo. 6, c. 23).

This Act amended the Government of India Act, 1935, in certain respects. It must be deemed to have been repealed by Art. 395 of the Constitution.

(397) 1946 *Straits Settlements (Repeal) Act* (9 & 10 Geo. 6, c. 37).

We are not interested in this statute relating to the Straits Settlements.

(398) 1946 *India (Central Government & Legislature) Act* (9 & 10 Geo. 6, c. 39).

This Act also amended the Government of India Act, 1935 for certain purposes and must be deemed to have been repealed by Art. 395 of the Constitution.

(399) 1946 *Patents & Designs Act* (9 & 10 Geo. 6, c. 44).

This statute amended the *Patents & Designs Acts, 1907 to 1942* and the *Patents, Designs, Copyright & Trade Marks (Emergency) Act, 1939*, in respect of matters arising out of hostilities during the Second World War.

We are not concerned with these statutes now.

(400) 1946 *United Nations Act* (9 & 10 Geo. 6, c. 45).

This statute enabled the Government of the U.K. to give effect to the directions of the Security Council of the U.N. in matters not involving war.

Exactly similar provision is contained in our *United Nations (Security Council) Act (XLIII of 1947)*. Hence, we do not require the English statute for our purposes.

(401) 1946 *Army & Air Force (Annual) Act* (9 & 10 Geo. 6, c. 47).

(See 1899 *Army (Annual) Act*, ante).

(402) 1946 *Superannuation Act* (9 & 10 Geo. 6, c. 60).

(See 1834 *Superannuation Act*, ante).

(403) 1946 *National Insurance (Industrial Injuries) Act* (9 & 10 Geo. 6, c. 62).

This statute replaced the entire series of *Workmen's Compensation Acts* in England (see under 1925 *Workmen's Compensation Act*, ante).

We are not interested in the English law. The corresponding law in India, is contained in the *Employees State Insurance Act (XXXIV of 1948)*.

(404) 1946 *Expiring Laws Continuance Act* (10 & 11 Geo. 6, c. 1).

(See 1939 *Expiring Laws Continuance Act*, ante).

(405) 1947 *Indian Independence Act* (10 & 11 Geo. 6, c. 30).

It has been repealed by Art. 395 of the Constitution.

APPENDIX III

LIST OF SUBJECTS COVERED BY BRITISH STATUTES WITH RESPECT TO WHICH LEGISLATION IN INDIA APPEARS TO BE PRIMA FACIE NECESSARY.

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NOTE BY DR. N. C. SEN GUPTA

I.

My colleagues have decided not to express any opinion at present on any of the Statutes appearing as Appendix III of the Report. They would postpone a consideration of these Statutes if and when the Government proceeds to legislate upon them and seeks for the opinion of the Commission. I do not fully agree with this conclusion. I would refer to the Acts relating to the Anglican Church in India beginning from the Ordination for Colonies Act of 1819 down to the Indian Church Act of 1927. The fundamental thing that I want to point out is that these Acts which are existing laws within the Constitution so far as they are still applicable to India must be regarded as *ultra vires* the Constitution. Some of these, however, need not necessarily be repealed, for instance, the Act 5 Geo. III Chap. 60 which provides for ordination of Bishops for Colonies must remain in full force with respect of England and the Colonies that still remain. In so far as that Act applies to Bishops in India, they have been virtually superseded by the Indian Church Act of 1927. The three Colonial Bishops Act which followed in 1852, 1853 and 1874 are of the same character. With regard to the Indian Church Act the position is different. It is exclusively applicable to India and as such, it is *ultra vires* the Constitution for the reason that it involves and contemplates the State doing a number of things relating to the Church of India, which, under the Constitution, is not open to the State to do, as each community has the right to regulate its own religious institutions.

My colleagues seem to think that it is not our province to make any recommendation with regard to these Statutes until we are asked by the Government to give any opinion as to what should be done. But I would draw attention to the terms of reference to the Commission which includes an examination of existing laws with reference to the question how far they are conformable to the Constitution and I think it is our duty to point out that the Indian Church Act is not consistent with the Constitution which does not contemplate interference by the Government with regard to the religious institution of any community, not to speak of providing an established Church in India.

That Act proceeds on the basis that the Church of India shall be under the control of the King as the Head of the Church and the Archbishop of Canterbury in many matters. Section 3 saves the rights of the officers of Indian Church after the separation from the English Church. Section 4 gives the Governor-General power to take complete control of all maintained churches or burial grounds. Section 5 gives the Governor-General power to take complete control of all maintained churches or burial grounds. Section 5 gives the Governor-General of India power to make rules (i) providing for regulating the licensing, posting, discipline, ministrations, duties and supervision of chaplains, and (ii) providing for episcopal ministrations and the making of grants out of the revenues of India in

respect thereof and similar other provisions, which are wholly out of place under the Constitution of India and is only consistent with an established church. Section 6 also gives power to the Governor-General by resolution to appoint Indian Church Trustees and direct vesting of the properties in them and so forth. All these laws will have to be repealed, in order to bring the laws in conformity with the Constitution.

The Indian Church is a large and complicated organisation having extensive properties and functions, which must be left to be regulated by the Christians of the Anglican Church themselves. Having regard to the importance of this matter I think it is necessary to take early steps to have appropriate legislation by which the Government of India shall be altogether relieved of all obligations, rights and duties in respect of the Indian Church.

In what manner the Church will be dealt with will have to be considered by the Government in consultation with the authorities of the Anglican Church in India at present. But it should be remembered that the only possible way of treating the Anglican Church in India is to treat it as an independent Corporation organised under the authority of the British Acts but with which the Indian Government has no concern except for the purpose of transferring the properties to an appropriate authority of the Church constituted by themselves. I think it necessary to say because the matter is of sufficient urgency.

II.

EXTRADITION ACTS

With regard to the Extradition Acts, the English Statutes of 1870 and 1875 (33 and 34 Vict. C.52; 36 & 37 Vict. C.60) were applicable to India. Since then, Extradition Acts were passed by the Indian Legislature. The last of these Acts, Extradition Act of 1903, however, says in its preamble,—“Whereas it is expedient to provide for the more convenient administration in British India of the Extradition Acts of 1870 and 1873 and of the Fugitive Offenders Act of 1881, it is hereby enacted as follows,—” so that the English Extradition Act was assumed to be continued except with regard to the procedure which has been laid down in the Extradition Act. The Indian Act only provides for the procedure. But the principles governing extradition are provided, for instance, in section 2, 3, 4, & 5 of the English Act and they have not been embodied in the Indian Extradition Act. The Indian Act, therefore, is to be read as a supplement to the English Act. The Supreme Court has decided in Menon's case that the English Extradition Act is no longer applicable to India after 1950. Therefore, it can now be repealing it, the Extradition Act, as it is, must be completed by adding certain provisions embodying the basic principles of the grant of extradition, so that the Indian legislation may be complete in itself.

With regard to the decision of the Supreme Court, it has a wider implication which should be considered by the Government of India, as the effect of it might be very serious.

The question as to the existence of Extradition treaty of India with other countries is not free from difficulty. The answer to the enquiry

by the Commission to the Government of India does not clear up the matter. The continuance of the rights and obligations under the International agreements is governed by the International Agreements Order made by the Governor-General under section 9 of the Indian Independence Act. International conventions and membership of international organisations are governed by paragraphs 2 and 3 of the Schedule to that Order. Paragraph 4 lays down a more general rule in the following words:—

“Subject to Articles 2 and 3 of this agreement, rights and obligations under all international agreements to which India is a party immediately before the appointed day will devolve both upon the Dominion of India and upon the Dominion of Pakistan, and will, if necessary, be apportioned between the two Dominions.”

This makes it clear that India becomes a party to all conventions and International organisations of which India, before the Partition, was a member, for instance, the United Nations, the Berne Convention on Copyright and various labour and other Conventions under the League of Nations, now United Nations. But with regard to treaties, the provision in paragraph 4 of the Schedule to the Order does not make the position clear at all.

So far as Extradition Agreements of the Government of India of the past with the Indian Princes are concerned, they have become virtually abrogated by the inclusion of their territories in India. There was a treaty of India with Nepal which probably may be said to be continued. But with regard to other foreign countries, India had the advantage of Extradition treaties by the British Government with those countries. The question whether these treaties continue or not is not at all free from ambiguity. Questions arise whether India is a party to such treaties within the meaning of paragraph 4 where the treaties were concluded not with India specifically but with Britain on behalf of the entire British Empire. Secondly, if the treaty exists, whether the advantage of it or the obligations under it have passed to India or to Pakistan also remains obscure. I think that in the course of the revision of the Extradition Act the position should be made clear.

III.

FOREIGN TRIBUNAL EVIDENCE ACT OF 1856

The effective portion of this Act has been reproduced in the Civil Procedure Code, Order 26. The recommendation of our report that it should be included in the Civil Procedure Code, therefore, is superfluous.

The position with regard to this Act is similar to the Extradition Act. Order 26 of the Civil Procedure Code in Rule 5 which read with the note to the Form No. 6 in Appendix 8 of the Code indicates, what has been recognised in English Law, that a letter of request by a foreign State to an Indian Court or by India to a foreign court can only be issued where there is a treaty of reciprocity between the two countries. It seems to me that steps should be taken in connection with this matter also to examine the treaty position of the Republic of India and, if necessary, to enter into new treaties.

It is by no means clear that the Foreign Tribunal Evidence Act of 1856, though purporting to be applicable to India, would by itself make the Indian courts a party to agreements of reciprocity which is a condition precedent to recording evidence at the request of a foreign tribunal or of sending letters of request to a foreign court.

N. C. SENGUPTA.



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